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Title 3—The President

EXECUTIVE ORDER 11628

Establishing a Seal for the Environmental Protection Agency

The Administrator of the Environmental Protection Agency has caused to be made, and has recommended that I approve, a seal for the Environmental Protection Agency, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

A flower with a bloom which is symbolic of all the elements of the environment. The bloom is a sphere, the component parts of which represent the blue sky, green earth, blue-green water. A white circle within the sphere denotes either the sun or the moon. All are symbolic of a clean environment and are superimposed on a disc with a white background, circled by the title "UNITED STATES ENVIRONMENTAL PROTECTION AGENCY" in blue letters.

It appears that such seal is of suitable design and appropriate for adoption as the official seal of the Environmental Protection Agency:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Environmental Protection Agency.

Richard Nixon

THE WHITE HOUSE,
October 18, 1971.

[FR Doc.71-15379 Filed 10-19-71; 9:31 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Ocean Ports

Pursuant to sections 6, 7, 8, and 10 of the act of August 30, 1890, as amended, section 2 of the act of February 2, 1903, as amended, sections 2, 3, 4, and 11 of the act of July 2, 1962, and section 306 of the act of June 17, 1930, as amended (21 U.S.C. 101–105, 111, 134a, 134b, 134c, and 134f; 19 U.S.C. 1306), § 92.3 of Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

Paragraph (a) of § 92.3 is amended to read:

§ 92.3 Ports designated for the importation of animals.

(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals shall be entered through said stations, except as provided in paragraphs (b), (c), and (d) of this section and paragraph (d) of § 92.11, viz: Portland, Maine; Boston, Mass.; New York, N.Y.; Baltimore, Md.; Jacksonville, Miami, and Tampa, Fla.; San Juan, P.R.; New Orleans, La.; Galveston, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; Portland, Oreg.; Tacoma and Seattle, Wash.; and Honolulu, Hawaii.

* * * * *

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 101–105, 111, 134a, 134b, 134c, and 134f)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (10–20–71).

The foregoing amendement adds Portland, Maine, to the list of ocean ports designated as quarantine stations, for the entry of animals from Canada and other countries, in § 92.3(a) of this part.

The amendment should be made effective promptly in order to facilitate the importation of livestock. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that public participation in rule making in connection with this action is impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of October 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-15247 Filed 10-19-71;8:47 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[71-1047]

PART 556—STATEMENTS OF POLICY

Policy on Establishment of Branches and Mobile Facilities by Federal Associations

OCTOBER 7, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) for the purpose of stating a change in the Board's policy relating to establishment of branches and mobile facilities by Federal associations beyond 100 miles from their home offices in those States where State-chartered institutions are permitted to do so. Accordingly, on the basis of such consideration and for such purpose, the Board hereby amends said § 556.5 by revising subparagraph (3) of paragraph (b) thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(3) It is the Board's policy to consider applications by such an association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico or (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquistion. However, if the Board determines that a State permits its State-chartered savings and loan associations, savings banks, or similar institution to establish branch offices or mobile facilities beyond 100 miles from their home offices, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in such State without regard to the 100-mile geographical limitation contained in the preceding sentence.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-15261 Filed 10-19-71;8:49 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1971 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Houma, La., on July 9 1971, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Louisiana" remain in full force and effect as to the crops to which they were applicable.

Sec.
874.33 General requirements.
874.34 Definitions.
874.35 Basic price.
874.36 Conversion of net sugarcane to standard sugarcane.
874.37 Payment for frozen sugarcane.
874.38 Molasses payment.
874.39 Hoisting, weighing, and transportation.
874.40 Mutual plan for improving harvesting and delivery.
874.41 Toll agreements.
874.42 Applicability.
874.43 Subterfuge.
874.44 Processor mill procedures and checking compliance.
874.45 Reporting requirements.

AUTHORITY: The provision of §§ 874.33–874.45 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 874.33 General requirements.

A producer of sugarcane in Louisiana who is also a processor of sugarcane, to which this part applies as provided in § 874.42 (herein referred to as "processor"), shall have paid or contracted to

pay for sugarcane of the 1971 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

§ 874.34 Definitions.

For the purpose of this section the term:

(a) "Price of raw sugar," subject to the provisos noted in paragraphs (c), (d), and (e) of this section, means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(b) "Price of blackstrap molasses," subject to the provisos noted in paragraphs (c) and (d) of this section, means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(c) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday), in which the sugarcane is delivered: *Provided,* That if the processor sells raw sugar or blackstrap molasses during the period in which price ceilings are in effect, then for such period the price actually received by the processor (plus the applicable discount on sugar imposed by the purchaser) would prevail.

(d) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 8, 1971, through April 13, 1972: *Provided,* That for the 1971 crop the season's average price shall be determined by weighting (1) the average price actually received by the processor (plus the applicable discount on sugar imposed by the purchaser) by the quantity of raw sugar or blackstrap molasses sold during the period in which price ceilings are in effect; and (2) the simple average of the weekly prices beginning the day after the freeze on prices is lifted by the quantity of raw sugar or blackstrap molasses sold subsequent to the freeze period.

(e) "Delivered average price" means the weighted average price of 1971-crop raw sugar determined by weighting (1) the simple average of the daily prices of raw sugar for the period October 8, 1971, through December 31, 1971, by the quantity of 1971-crop sugar, raw value, marketed under the processors' 1971 marketing allotment; and (2) the simple average of the daily prices of raw sugar for the period January 1, 1972, through February 24, 1972, by the quantity of 1971-crop sugar, raw value, not marketed in 1971 under the processors' 1971 marketing allotment: *Provided,* That for the 1971 crop the delivered average price of raw sugar for either term enumerated in subparagraph (1) or (2) of this paragraph shall be determined by weighting (i) the average price actually received by the processor (plus the applicable discount imposed by the purchaser) by the quantity of raw sugar sold during the period in which price ceilings are in effect; and (ii) the simple average of the daily prices of raw sugar beginning the day after the freeze on prices is lifted by the quantity of raw sugar marketed subsequent to the freeze period.

(f) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(g) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(h) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76 but not more than 76.49 percent.

(i) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(j) "Percent sucrose in normal juice" means average percent sucrose in sample mill juice obtained from producers' sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average percent sucrose in sample mill juice extracted from producers' sugarcane.

(k) "Average percent sucrose in sample mill juice" means the percentage of sucrose solids in juice extracted from samples of producers' sugarcane by the sample mill.

(l) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted mill crusher juice as determined by direct analysis in accordance with standard procedures.

(m) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem, or by a mill tandem and a diffuser, as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(n) "Factory normal juice Brix" means the percentage of soluble solids in the undiluted juice extracted from sugarcane by a mill tandem, or by a mill tandem and a diffuser, as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(o) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(p) "Percent purity of normal juice" means the ratio which the percentage of sucrose solids bears to the percentage of Brix solids in the normal juice of each producer's sugarcane.

(q) "State office" means the Louisiana State Agricultural Stabilization and Conservation Service Office, 3737 Government Street, Alexandria, LA 71303.

(r) "State committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

§ 874.35 Basic price.

(a) The basic price for standard sugarcane shall be not less than $1.05 per ton for each 1-cent per pound of raw sugar determined on the basis of the weekly average price, the season's average price, or the delivered average price as elected by the processor in writing to the State office not later than October 22, 1971, and the pricing basis elected shall be used for pricing all 1971-crop sugarcane. The average price of raw sugar as determined above shall be increased 0.02 cent for all mills located in freight area (a); may be decreased 0.01 cent in freight area (b); and may be decreased 0.04 cent in freight area (c).[1]

(b) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1970 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State office upon a determination by the State committee that the method of settlement and the resultant price are fair and reasonable.

§ 874.36 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(a) By multiplying the quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(b) By multiplying the quantity determined pursuant to paragraph (a) of this section by the applicable purity factor in the following table:

[1] Freight area (a) includes all mills except those located in areas (b) and (c) below;

Freight area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia and west of the Atchafalaya River.

Freight area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR [1]

Percent purity of normal juice		Percent Sucrose in Normal Juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least	But not more than	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.983	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.988	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.993	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.896	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
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70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
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72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49	----------	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99	----------	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49	----------	----------	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99	----------	----------	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49	----------	----------	----------	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
76.50	76.99	----------	----------	----------	1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49	----------	----------	----------	----------	1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99	----------	----------	----------	----------	1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49	----------	----------	----------	----------	----------	1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99	----------	----------	----------	----------	----------	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49	----------	----------	----------	----------	----------	----------	1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99	----------	----------	----------	----------	----------	----------	1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49	----------	----------	----------	----------	----------	----------	----------	1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99	----------	----------	----------	----------	----------	----------	----------	1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49	----------	----------	----------	----------	----------	----------	----------	----------	1.035	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99	----------	----------	----------	----------	----------	----------	----------	----------	1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.035	1.027	1.020	1.013	1.007	1.000	.994
82.50	82.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.038	1.030	1.023	1.016	1.010	1.004	.995
83.00	83.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.027	1.019	1.013	1.007	1.008
83.50	83.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.036	1.030	1.022	1.016	1.010	1.007
84.00	84.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.025	1.019	1.013	1.000
84.50	84.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.028	1.022	1.016	1.014

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

§ 874.37 Payment for frozen sugarcane.

(a) The payment for sugarcane determined pursuant to § 874.36 may be reduced upon certification by the State office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(b) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor subject to written approval by the State office: *Provided,* That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.40 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting of such sugarcane.

§ 874.38 Molasses payment.

The processor shall pay an amount equal to the product of 6.7 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (a) salvage sugarcane where settlement is based on the so-called "Java Formula"; (b) frozen sugarcane testing in excess of 4.75 cc. of acidity; and (c) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price as elected by the processor in writing to the State office not later than October 22, 1971, and the pricing basis elected shall be used in making molasses payments for 1971-crop sugarcane.

§ 874.39 Hoisting, weighing, and transportation.

The price for sugarcane established by this part shall be applicable to sugarcane delivered by the producer (a) to a hoist for loading into the conveyance for transportation to the mill, or (b) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be borne by the processor. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1970 crop: *Provided,* That the processor shall not be required to make hauling allowances to producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall bear the cost of transportation. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to the 1970 crop. The processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of 1 mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles. Nothing in this section shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State office upon a determination by the State committee that the change results in allowances which are fair and reasonable.

§ 874.40 Mutual plan for improving harvesting and delivery.

If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State office and it has been determined by the State committee that the plan is fair and reasonable.

§ 874.41 Toll agreements.

The rate for processing surgarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

§ 874.42 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 874.43 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 874.44 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, percent purity of normal juice; and other related mill procedures and required reports are set forth in ASCS Handbook 8–SU entitled "Sampling, Testing, and Reporting for Louisiana Sugar Processors," copies of which have been furnished each processor. The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading "Fair Price Compliance" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbooks 8–SU and 3–SU may be inspected at county ASCS offices and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, LA 71303.

§ 874.45 Reporting requirements.

The processor shall submit to the State office no later than May 1, 1972, a statement showing the calculation of the average price of raw sugar and blackstrap molasses for the period(s) on which settlement is based.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1971 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1971-crop price determination. This determination differs from the 1970 crop determination in the following respects: (1) The alternative pricing bases have been defined to provide methods of determining the prices of raw sugar and blackstrap molasses during the period in which price ceilings are in effect on Louisiana raw sugar; (2) the period for determining the season's average prices of raw sugar and blackstrap molasses is from October 8, 1971, through April 13, 1972; (3) the periods for determining the delivered average price of raw sugar are from October 8, 1971, through December 31, 1971, for 1971-crop sugar, raw value, marketed under the 1971 quota, and from January 1, 1972, through February 24, 1972, for 1971-crop sugar, raw value, not marketed under the 1971 quota; (4) the differentials in freight costs for the three freight areas have been changed to reflect an increase in freight rates on raw sugar; and (5) the molasses payment to producers is to be based on 6.7 gallons of blackstrap molasses per ton of sugarcane instead of 6.8 gallons, reflecting the most recent 5-year average recovery.

A public hearing was held in Houma, La., on July 9, 1971, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for 1971-crop Louisiana sugarcane. Representatives of the Louisiana Grower-Processor Committee recommended that the same three bases of settlement for sugarcane provided in the prior determination be continued for the 1971 crop; that the period for determining the season's average prices of raw sugar and blackstrap molasses extend from October 8, 1971, through April 13, 1972; and that the delivered average price of raw sugar extend from October 8, 1971, through December 31, 1971, for 1971-crop sugar marketed under the processors' 1971 marketing allotment, and from January 2, 1972, through February 24, 1972, for 1971-crop sugar not marketed under the processors' 1971 marketing allotment. The witness further recommended that increases in freight rates on raw sugar in the three freight areas be recognized in the 1971 determination by making appropriate changes in the area freight adjustments as they affect the basic price for standard sugarcane.

A representative of the Sugar Advisory Committee of the Louisiana Farm Bureau Federation recommended the same periods for determining the season's average prices of raw sugar and blackstrap molasses, and the delivered average price of raw sugar as recommended by the Grower-Processor Committee; and that processors who settle with the producer on a season's average price basis be required to make final payment to the producer within 2 weeks of the end of the pricing period. He further recommended that the Department conduct studies on the costs of hoisting cane and the various methods and allowances made to producers for performing this service, so as to provide the Department with sufficient data to establish minimum rates for hoisting allowances.

Consideration has been given to the testimony presented at the public hearing; to the returns, costs, and profits of producing and processing sugarcane in Louisiana obtained by field study for prior crops and recast in terms of price and production conditions likely to prevail for the 1971 crop; and to other relevant factors. Analysis of the comparative returns and costs of producers and processors indicates that the provisions of this determination will provide an equitable sharing of total returns based on their sharing of total costs.

Raw sugar and blackstrap molasses prices are frozen under Presidential Executive Order No. 11615. The Cost of Living Council has ruled that each seller of raw sugar must establish his own ceiling price in accordance with applicable regulations. Since such ceiling prices may be substantially lower than the quotations of the Louisiana Sugar Exchange, Inc., alternatives have been provided for determining the bases for settlement with producers.

If the processor elects to settle on the basis of the weekly average price, he may use the average price actually received (plus the trade discount on sugar) during the freeze period if sugar or molasses is sold during such period. In case the freeze on prices ends on a day other than Thursday, the weekly average shall be the simple average of the prices applicable each day of that week. If the processor elects the season's average price, he shall determine such price by using the average price actually received (plus applicable trade discount) during the freeze period and the average of the weekly quoted prices for the period subsequent to the freeze weighted by the quantities of sugar or molasses sold during each of those periods. If he elects the delivered average price, he shall determine such price by using the average price received (plus trade discount) during the freeze period and the average of the daily quoted prices for the period subsequent to the freeze weighted by the quantity of sugar sold during the freeze and the quantity marketed subsequent to the freeze, respectively.

In the event the processor does not sell sugar or molasses during the period in which price ceilings are in effect, the prices for the various pricing periods shall be determined on the basis of the Louisiana Sugar Exchange quotations.

The time periods recommended by the Louisiana Grower-Processor Committee and Farm Bureau Federation for determining the average prices of raw sugar and blackstrap molasses, on which payments to producers for 1971-crop sugarcane are to be based, have been adopted.

Freight rates on raw sugar were increased in all three freight areas on December 31, 1969. The Grower-Processor Committee recommended that raw sugar freight differentials for the three areas be adjusted in the 1971 determination to recognize the increase in rates. Current freight rates average about 7 percent more than those which became effective in 1959, the last time area freight adjustments were made. The freight allowances provided in this determination reflect the increase in freight rates on raw sugar and maintain the customary differentials heretofore established.

The Farm Bureau Federation recommended that studies be made on the costs

of hoisting to provide a basis for establishing minimum hoisting allowances. The Department plans to conduct a cost study of the Louisiana sugar industry in the near future. At that time representatives of the Department will attempt to obtain the average cost to producers of hoisting under each of the various hoisting methods and will then consider whether the establishment of minimum hoisting allowances would be feasible in future determinations.

Another recommendation by the Farm Bureau Federation that processors who make settlement on a season's average price basis be required to pay the producer within 2 weeks of the end of the pricing period has not been adopted. It is believed that processors in most cases complete payment to the producer within a reasonable time after the end of the pricing period. The Department does, of course, encourage the processors to make final settlement with the producers as early as possible.

Processors are required to elect no later than October 22, 1971, a pricing basis for raw sugar and for blackstrap molasses, which must be used in making 1971-crop payments. The processors must inform the State office in writing of the bases elected.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER (10-20-71) and is applicable to the 1971 crop of Louisiana sugarcane.

Signed at Washington, D.C. on October 13, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-15179 Filed 10-19-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-57; Amdt. 22]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority to Director, Bureau of Enforcement, To Institute Proceedings in Court as Agent of the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of October 1971.

While the functions of the Director, Bureau of Enforcement, include the institution of proceedings in court, as agent of the Board, Part 385 of the organization regulations does not explicitly include such delegation of authority. The instant amendment corrects that omission.

Since delegation of authority to a staff member is not a substantive rule, but a rule of agency organization and procedure, and since this particular rule is of a clarifying nature, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends § 385.22 of Part 385 of the organization regulations (14 CFR Part 385), effective October 14, 1971, by adding paragraph (d) to read as follows:

§ 385.22 Delegation to the Director, Bureau of Enforcement.

* * * * *

(d) Institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof. Any action taken by the Director, Bureau of Enforcement, pursuant to the authority of this section shall not be subject to the review procedures of this part.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15267 Filed 10-19-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-263]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Use of Bonded Carriers To Transport Merchandise Under Cover of TIR Carnets

Section 18.1(a)(1), Customs regulations, provides that merchandise to be transported from one port to another in the United States in bond ordinarily shall be delivered to a common carrier, contract carrier, freight forwarder, or private carrier bonded for that purpose, and that the merchandise delivered to a common carrier, contract carrier, or freight forwarder thereafter may be transported with the use of facilities of other bonded or nonbonded carriers. Section 18.1(a)(2) provides that merchandise to be transported from one port to another in the United States under cover of a TIR carnet shall be transported in accordance with § 18.1(a)(1), except that only the facilities of bonded common or contract carriers may be used. The requirement for the use of only bonded common or contract carriers also is applicable to merchandise not otherwise subject to Customs control to be exported under cover of a TIR carnet (§§ 18.41 through 18.45, Customs regulations).

The Bureau has determined that if merchandise moving under cover of a TIR carnet is delivered initially to a bonded common or contract carrier, any liability to Customs not covered by the TIR carnet is protected by the carrier's bond. The requirement that the merchandise thereafter may be transported only by bonded common or contract carrier is, therefore, unnecessarily restrictive.

The Bureau similarly has determined that the requirement that merchandise not otherwise subject to Customs control to be exported under cover of a TIR carnet for the convenience of the U.S. exporter or other party in interest may be transported only by bonded common or contract carriers is unnecessarily restrictive, as the merchandise is not otherwise required to be transported in bond.

As amended, the regulations will provide that imported merchandise moving under cover of a TIR carnet shall be delivered initially to a bonded common or contract carrier, but that it thereafter may be transported with the use of the facilities of other bonded or nonbonded common or contract carriers; and that merchandise not otherwise subject to Customs control to be exported under cover of a TIR carnet for the convenience of U.S. exporter or other party in interest may be transported with the use of the facilities of either bonded or nonbonded carriers.

Part 18 of the Customs regulations accordingly is amended as follows:

Section 18.1 is amended to read:

§ 18.1 Carriers; application to bond.

(a) * * *

(2) Merchandise to be transported from one port to another in the United States under cover of a TIR carnet (see Part 114 of this chapter), except merchandise not otherwise subject to Customs control, as provided in §§ 18.41 through 18.45, shall be delivered to a common carrier or contract carrier bonded for that purpose, but the merchandise thereafter may be transported with the use of other bonded or nonbonded common or contract carriers. The TIR carnet shall be responsible for liability incurred in the carriage of merchandise under the carnet, and the carrier's bond shall be responsible as provided in § 114.22(c)(3) of this chapter.

* * * * *

Section 18.41 is amended to read:

§ 18.41 Applicability.

The provisions of §§ 18.41 through 18.45 apply only to merchandise to be exported under cover of a TIR carnet

for the convenience of the U.S. exporter or other party in interest and do not apply to merchandise otherwise required to be transported in bond under the provisions of this chapter. Merchandise to be exported under cover of a TIR carnet for the convenience of the U.S. exporter or other party in interest may be transported with the use of the facilities of either bonded or nonbonded carriers.

(80 Stat. 379, R.S. 251, as amended, secs. 551, 624, 46 Stat. 742, as amended, 759, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1551, 1624)

The effect of this amendment is to permit nonbonded carriers to transport merchandise moving from port to port in the United States under cover of a TIR carnet in certain circumstances. Prior to the amendment, the carriage of merchandise moving under cover of a TIR carnet was restricted to bonded common and contract carriers in every instance.

The amendment will eliminate requirements which were incorporated for the protection of the revenue. The Bureau of Customs now finds that under certain circumstances the requirements are not necessary for this purpose. Therefore, notice and public procedure under 5 U.S.C. 553 are considered unnecessary. Since the amendment will relieve present restrictions, good cause is found for making the amendment effective at the earliest possible date.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (10-20-71).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: October 8, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-15248 Filed 10-19-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Jelly; Standard of Identity

In the matter of amending the standard of identity for fruit jelly (21 CFR 29.2) by alphabetically adding "Boysenberry" with a factor of "10.0" to the list of optional fruit ingredients:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of March 26, 1971 (36 F.R. 5707), on the Commissioner's initiative. No comments were received.

Having considered all relevant information available to him, the Commissioner concludes that it would promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 29.2 be amended by alphabetically inserting "Boysenberry" with a factor of "10.0" in the list of fruits in paragraph (c), as follows:

§ 29.2 Fruit jelly; identity; label statement of optional ingredients.

* * * * *

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen, and/or canned:

Name of fruit:	*Factor referred to in paragraph (b) of this section*
* * *	* * *
Black raspberry	9.0
Boysenberry	10.0
Cherry	7.0
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 31 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15228 Filed 10-19-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPPLY AND PROCUREMENT

PART 101-30—FEDERAL CATALOG SYSTEM

Agency Participation in the Federal Catalog System

The policy and procedures governing the Federal Catalog System are revised to: (1) Provide the definition of "item entry control" and for application of such control through cataloging procedures, and (2) provide for submission of a request for exemption by nonparticipating agencies.

The table of contents for Part 101-30 is amended by adding new §§ 101-30.001, 101-30.101-9, 101-30.304, and 101-30.404 to read as follows:

Sec.

101-30.001	Applicability.
101-30.101-9	Item entry control.
101-30.304	Application of item entry control.
101-30.404	Exemptions from the system.

Section 101-30.000 is revised and § 101-30.001 is added to read as follows:

§ 101-30.000 Scope of part.

This part provides for a Federal Catalog System under which items pursuant to § 101-30.301 are to be uniformly identified to facilitate management of all logistical operations from determination of requirements through disposal. Such a system provides a standard reference language or terminology to be used by all persons engaged in the process of supply, and it is a prerequisite for integrated item management under the national supply system concept.

§ 101-30.001 Applicability.

The provisions of this part are applicable to all Federal agencies. However, they shall apply to the Department of Defense only when so specified within or by the subparts of this part.

Subpart 101-30.1—General

Section 101-30.101-9 is added and § 101-30.102 is amended to read as follows:

§ 101-30.101-9 Item entry control.

"Item entry control" means the functional responsibility of GSA/DOD cataloging to minimize the number of items in the supply system by: (a) Establishing controls that prevent unessential new items from entering the supply system; (b) promoting the development of standards and use of standard items; and (c) eliminating items having nonstandard characteristics.

§ 101-30.102 Objectives.

* * * * *

(a) To provide for the maintenance of a uniform Federal supply catalog system

and the conversion to and exclusive use of this system by all Federal agencies.

* * * * *

(c) * * *

(5) Facilitation of better interagency and intragency utilization of supplies, equipment, and excess stocks, and more exact identification of surplus personal property;

(6) Assistance in providing precise statistics for budget and financial accounting purposes; and

(7) Provision of data for determining the most effective and economical method of item management on a Federal agency systemwide basis.

Subpart 101–30.3—Cataloging Items of Supply

Section 101–30.300 is amended and § 101–30.304 is added to read as follows:

§ 101–30.300 Scope of subpart.

This subpart prescribes the types of items to be cataloged, the types of items excluded from the Federal Catalog System, and the application of item entry control procedures upon request for cataloging action.

§ 101–30.304 Application of item entry control.

In addition to to the reviews attendant to the process of item identification and assignment of Federal stock numbers, proposed new items will be subjected to a technical review to associate them with items available through the GSA supply system. Where a similar item is available through the GSA supply system, the agency will be informed of the Federal stock number and source of supply and will be requested to use that item. If the requesting agency considers the technical differences such that the GSA item is unacceptable, a waiver shall be requested as required by § 101–26.1002. The request for waiver shall reference the request for item identification.

Subpart 101–30.4—Use of Federal Catalog System

Section 101–30.404 is added to read as follows:

§ 101–30.404 Exemptions from the system.

If an agency believes that the benefits of the Federal Catalog System may be realized without formal participation, a request for exemption shall be submitted to the General Services Administration (FM), Washington, D.C. 20406. Subsequent to review of the request for exemption, GSA will inform the agency concerned of the decision which will include appropriate instructions to implement the decision. The request for exemption shall include, but not be limited to, the following information:

(a) Number of items repetitively procured, stored, distributed, or issued.

(b) Number of items currently used having Federal stock numbers.

(c) Identification system planned or in use other than the Federal Catalog System.

(d) Whether procurement is centralized.

(e) Description of any catalogs published. If none, so state.

(f) Whether supply support is received from another agency including the name of the agency and category of item (e.g., electronics) involved.

(g) Cost differential between submitting a request for cataloging action and identifying the item under the agency's current or planned system.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (10–20–71).

Dated: October 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–15259 Filed 10–19–71;8:48 am]

Chapter 114—Department of the Interior

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Utilization and Maintenance of Motor Vehicles and Aircraft

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), the following new subparts are added to Part 38, Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

These new subparts shall become effective on the date of publication in the FEDERAL REGISTER (10–20–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

OCTOBER 13, 1971.

Sec.

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114–38.5311 Operation.
114–38.5312 Official use of aircraft.
114–38.5313 Disposal of aircraft.
114–38.5314 Records.
114–38.5315 Reports.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 114–38.000 Scope of part.

This part establishes basic policies and procedures for the effective and efficient management of motor equipment and is applicable to all motor equipment owned by the bureaus and offices of the Department. The head of each bureau and office shall establish organizational lines of responsibility to control the acquisition of all types of motor equipment and to insure maximum utilization of each unit through preventive maintenance, rotation, and orderly replacement programs.

In the absence of other guidelines, such as those for GSA motor pool vehicles, the management principles set forth herein shall be applied to leased motor equipment when such equipment is leased on other than a short-term or emergency basis.

Subpart 114–38.0—Definition of Terms

§ 114–38.001 Definitions.

As used in this Part 114–38, the following terms shall have the meanings stated:

§ 114–38.001–50 Motor equipment.

"Motor equipment" means any item of equipment which is self-propelled or drawn by mechanical power, including motor vehicles, motorcycles and scooters, construction and maintenance equipment, materials handling equipment, aircraft, and vessels.

Subpart 114–38.10—Preventive Maintenance of Motor Vehicles

§ 114–38.1002 Agency requirements.

The head of each bureau and office is responsible for insuring the establishment of preventive maintenance programs for motor vehicles in compliance with FPMR 101–38.10.

§ 114–38.1003 Guidelines.

Each preventive maintenance program shall be designed to detect and correct mechanical deficiencies while in the minor stage, and shall include requirements for regularly scheduled safety checks, lubrication, and mechanical inspections of the vehicles. The frequency

of the preventive maintenance will depend upon the type of vehicle, the manufacturer's recommended service, and the severity of use.

Subpart 114–38.50—Official Use of Motor Vehicles

§ 114–38.5000 Scope of subpart.

This subpart prescribes policies and procedures governing the use of Government motor vehicles acquired for official purposes. The term "official purposes" means those purposes required to carry out authorized programs, including program work under cooperative agreements or other contractual arrangements made pursuant to authority vested in the Department. The rendering of assistance in major disasters or other emergency situations as provided in 905 DM 1 also would be for an official purpose.

§ 114–38.5001 Statutory requirement.

The use of a Government-owned or leased passenger motor vehicle for other than official purposes, or the authorization of use for other than official purposes, is prohibited by statute (31 U.S.C. 638a(c)(2)), and the statute establishes the minimum penalties for such willful use or authorization. As a matter of policy, officers and employees of the Department are forbidden to use, or to authorize the use of any vehicle, passenger or otherwise, for other than official purposes.

(a) *Official purposes.* As provided in the statute, "official purposes" shall not be held to include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on outpatient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary, and then only as to such latter cases when the same is approved by the head of the department concerned.

(b) *Approval of authorizations.* The head of a bureau or office may approve the use of a Government-owned or leased vehicle between an employee's domicile and place of employment or he may redelegate this authority to officials not below the Chief Administrative Officer of the Bureau pursuant to Delegation found in 205 DM 1. Except as provided in IPMR § 114–38.5002 and § 114–38.5003, the approving official must determine that the nature of the field duties of the employee involved make such transportation necessary before granting such approval. Approvals must be in writing and are not transferable.

(c) *Duration of authorization.* An authorization to use a motor vehicle for transportation between domicile and place of employment shall be limited to the period of actual need. Where such need extends beyond a year, each authorization shall be limited to a single year. Requests for renewals of authorizations shall be subject to the same complete justification as original requests, and in addition must show what attempts were made during the original period to eliminate the necessity for the request.

(d) *Review of authorization.* A review of all existing authorizations shall be made at not lower than the regional or comparable level at least annually to make certain that the need for each authorization still exists.

§ 114–38.5002 Use of a motor vehicle to drive to residence at start of official travel.

The use of a Government motor vehicle by an officer or employee to drive to his residence when it is in the interest of the Government that he start on official travel in the vehicle from that point, rather than from his place of business, is not regarded as prohibited by 31 U.S.C. 638a(c)(2), (25 Comp. Gen. 844) or by departmental policy. However, such use of a Government motor vehicle at the beginning of a trip shall be authorized in writing in each instance by the head of the bureau or office concerned, or other official authorized to approve travel. While the employee concerned may use his own judgment as to whether storage at his residence is in the Government's interest at the conclusion of a trip, he shall make a written report of any instances where he so finds, through the use of the Vehicle Trip Report or otherwise.

§ 114–38.5003 Use of a motor vehicle while in travel status.

The use of a Government motor vehicle by an officer or employee in travel status to go between his temporary lodging and his place of business is not regarded as prohibited by 31 U.S.C. 638a(c)(2) or departmental policy. Other permissible uses are set forth in the latest revision of the Standardized Government Travel Regulations (OMB Circular No. 7).

§ 114–38.5004 Transportation of nonofficial passengers.

The sole reason for operating a Government-owned or leased motor vehicle is the accomplishment of official business. The official purpose of the use of the vehicle is not voided or changed by the incidental transportation of private property or a person traveling for personal convenience in available space which is not needed in connection with the accomplishment of official business. Any such incidental transportation must be without expense to the Government, must not result in the delay of Government business or the taking of circuitous routes, and must not involve private profit-seeking activities or commercial dealings, other than consumer purchases. As the transportation of nonofficial passengers creates the possibility of tort claims and public criticism, the practice should not be encouraged. Heads of bureaus and offices should make clear to all their personnel the extent to which, if at all, incidental transportation is permitted.

§ 114–38.5005 Instructions to motor vehicle operators.

The head of each bureau and office shall establish procedures to insure that motor vehicle operators are fully informed concerning:

(a) The statutory requirement that motor vehicles shall be used only for official purposes,

(b) Personal responsibility for safe driving and operation of motor vehicles, and for compliance with Federal, State, and local laws and regulations,

(c) Protection under the Federal Tort Claims Act when acting within the scope of his employment (451 DM 1 and 4),

(d) The penalties for unauthorized use of motor vehicles and,

(e) Any other duties and responsibilities assigned to vehicle operators with regard to the use, care, operation, and maintenance of motor vehicles.

Subpart 114–38.52—Utilization and Maintenance of Motor Vehicles

§ 114–38.5201 Utilization.

Maximum effective utilization of motor vehicles depends upon careful selection of the types and number of units, effective maintenance, and efficient operation. The following management practices shall be followed to the maximum extent practicable:

(a) Rotate high mileage vehicles with those on low mileage assignments,

(b) Limit assignments of vehicles for the restricted use of individuals to the minimum necessary to efficiently carry out the work,

(c) Assign motor vehicles to motor vehicle pools, thus making them available for the general use of all employees on a dispatch basis and,

(d) Periodically evaluate program needs to identify vehicles on hand in excess of actual requirements, and promptly dispose of any so identified through available, excess, or surplus channels.

§ 114–38.5202 Maintenance.

The head of each bureau and office is responsible for ensuring the establishment of motor vehicles maintenance programs which will include:

(a) Procedures to insure that all motor vehicles are equipped with safety equipment and accessories in compliance with State, county, and municipal laws and regulations in force in the areas in which the vehicles are to be operated;

(b) The use of approved technical information such as manufacturers' manuals and service bulletins;

(c) A preventive maintenance program as required by FPMR 101–38.10 and IPMR 114–38.10.

Subpart 114–38.53—Aircraft

§ 114–38.5300 Scope of subpart.

This subpart supplements other motor equipment management requirements and establishes basic policies and procedures that apply to the management of aircraft. The policies and procedures set forth herein are minimal, and the head of each bureau and office shall issue such supplemental instructions as may be needed to ensure the effective and efficient management of aircraft.

§ 114–38.5301 Applicability.

The provisions of this subpart are applicable to all aircraft operated by the bureaus and offices of this Department.

§ 114–38.5302 Definitions.

As used in this subpart, the following terms shall have the meanings stated:

Aircraft: Light or heavy, single or multiengine airplanes and helicopters.

Chartered aircraft: Aircraft rented or hired on an intermittent basis, with or without pilot.

Leased aircraft: Aircraft on a lease basis for a stipulated time interval as distinguished from intermittent charter or rental aircraft.

Military aircraft: Aircraft on loan from the Department of Defense (DOD).

Pilot: An individual possessing the required FAA credentials and meeting the qualification requirements of IPMR 114–38.5303 and other criteria as required by the employing office. A part-time pilot is one who is employed specifically to operate aircraft on a "when-needed" basis. An incidental pilot is an employee who has a position title and duties other than those of a pilot, but who has the proper qualifications for a pilot and is specifically authorized to operate aircraft in the performance of official duties.

§ 114–38.5303 Pilot qualifications.

No person shall be permitted to operate an aircraft unless he possesses, as a minimum, a current Federal Aviation Administration (FAA) Private Pilot's license with a rating appropriate to the flight operation, has a working knowledge of aerial navigation, aerology, radio communications procedures, and radio navigation, and is flight checked by competent authority as designated by the head of the bureau or office concerned. Full-time pilots should be required to possess a valid FAA Commercial Pilot Certificate with ratings appropriate to the types of aircraft he will be expected to operate and for the type of flight operations in which the aircraft will be used. Part-time pilots shall be required to have at least 500 hours of flying time in command of aircraft. Persons employed as helicopter pilots shall have attended the respective manufacturer's training school prior to assignment, or shall possess certification of equivalent training and experience. An incidental pilot may operate aircraft only when he possesses a letter of authorization as required in IPMR 114–38.5304.

§ 114–38.5304 Letter of authorization for incidental pilots.

(a) When it is determined that an incidental pilot is to operate aircraft in the performance of official duties, the head of the bureau or office shall issue a letter of authorization for each such incidental pilot. Such a letter shall be issued only when it has been demonstrated that the incidental pilot is technically and physically qualified and tempermentally adapted for the contemplated flight assignments. Each letter of authorization shall specify any restrictions on types of flying, equipment to be flown, time of flight, or any other factors relevant to safe operation.

(b) To be eligible for a letter of authorization, an incidental pilot must meet the qualification requirements of IPMR 114–38.5303 and must have not less than 500 hours solo time in command of aircraft. The 500-hour requirement may be waived by the head of the bureau when, as a condition of employment, an employee is required to operate aircraft in the performance of his work: *Provided,* That not less than 100 hours of solo time is required.

§ 114–38.5305 Pilot responsibility and authority.

(a) It shall be the responsibility of the pilot to be aware of and conform to Federal Aviation Regulations and other requirements of the Federal Aviation Administration, departmental policies and bureau directives, and the regulations and directives of other applicable authority, including those relating to use for official purposes only and the transportation of nonofficial passengers.

(b) The maintenance and repair of aircraft is also the responsibility of the pilot who shall be responsible for determining that the aircraft is airworthy and that required maintenance checks are performed periodically and on schedule.

(c) The pilot is at all times responsible for the safe operation of his aircraft and for the safety of his crew and passengers. Insofar as the loading of the aircraft, weather, mechanical, and other safety conditions are concerned, the pilot shall have final authority for determining whether a particular flight shall be made or continued and how it shall be made.

§ 114–38.5306 Management responsibility.

The head of each bureau or office having an aircraft operation is responsible for insuring that the management of aircraft is in compliance with all of the provisions of this Subpart 114–38.53, and for establishing procedures to insure:

(a) That the acquisition of aircraft, including military aircraft, is centrally controlled to ensure that authorizations are not exceeded;

(b) That each aircraft is equipped with the instruments, accessories, radio, navigational aids, safety equipment, and survival gear necessary for the safe performance of each operating mission, including the installation of aircraft crash position indicators as needed. Safety equipment shall include, as a minimum, seat belts and/or shoulder harnesses for the pilot and all passengers, at least one emergency fire estinguisher, and a first aid kit. Aircraft used on night flights and/or under other than visual flight rules (VFR) conditions shall be equipped for instrument flight (IFR). Life jackets shall be provided and readily available for all occupants of aircraft on extended overwater flights as defined in FAR 1.1. Aircraft on flights into isolated areas shall be equipped with emergency rations and appropriate survival gear;

(c) Conformance with Federal Aviation Administration requirements for the registration, certification, maintenance, and operation of aircraft, engines, and component equipment;

(d) Selection of qualified pilots and crew members and the maintenance of pilot and crew competence commensurate with job requirements;

(e) Establishment of dispatching and tracking procedures or other controls that will assure knowledge of aircraft location when operating in areas where flight plan service is not available;

(f) Overall safe, efficient, and economical operation, maintenance, utilization, and replacement of aircraft;

(g) Assignment and reassignment of aircraft within the bureau and the Department, and the pooling of usage as a means of increasing utilization;

(h) That contract or charter pilots are validly certified to meet all requirements and regulations established by the Federal Aviation Administration for the particular aircraft, and that chartered, leased, or rented aircraft are operated and maintained in compliance with all rules, regulations, and minimum standards of the Federal Aviation Administration. Any rental or hire of aircraft and operators meeting the minimum basic operating standards of Part 91 of the Federal Aid Regulations is discouraged, and such marginally safe aircraft and operators shall not be used to transport passengers.

(i) That all pilots are aware of the provisions of 31 U.S.C. 638a(c)(2) which prohibits the use of any Government-owned or leased aircraft for other than official purposes;

(j) Compliance with the provisions of IPMR 114–38.5312 regarding the transportation of unofficial passengers.

§ 114–38.5307 Acquisition of aircraft.

Specific appropriation authorization is required before funds may be expended for the purchase, maintenance, or operation of any aircraft (31 U.S.C. 638a(b)). Except as otherwise provided herein, this requirement applies to both replacements and additions whether purchased, acquired by transfer from another agency (31 U.S.C. 638a(e)), or obtained on a loan basis.

(a) *Responsibility.* The head of each bureau and office shall be responsible for controlling the number and types of aircraft acquired by any means.

(b) *Acquisition from excess sources.* Acquisition from excess sources is encouraged when there is specific authority for additional or replacement aircraft. Aircraft may also be acquired from excess sources for upgrading or replacement purposes: *Provided,* (1) That such acquisition is without reimbursement, and (2) that an equal number of aircraft are reported to GSA as excess within 30 days after delivery of the replacement aircraft. The aircraft being declared excess should not be routinely circularized within the Department. The S.F. 120, Report of Excess Property, shall be annotated to identify the GSA transfer order number shown on the

transfer document for the replacement aircraft, and a copy of the S.F. 120 shall be forwarded to the Office of Management Operations. All requests to the General Services Administration for excess aircraft shall be prepared for the signature of the Director of Management Operations. Prior to the acquisition of aircraft from any excess source, the Federal Aviation Administration should be contacted to insure that the Federal Aviation Regulations authorize the type of operations to be conducted and that the aircraft can be certified as airworthy without extensive or costly modification.

(c) *Aircraft obtained on a loan basis.* With the prior approval of the Director of Management Operations, aircraft needed to satisfy a temporary emergency requirement (not to exceed 90 days) may be obtained on a loan basis from military or excess sources. Should a need subsequently develop to temporarily retain such aircraft in excess of 90 days, a detailed written justification approved by the head of the bureau or office will be made a matter of record to support such retention.

§ 114–38.5308 Registration and identification.

(a) *Registration.* Bureau-owned aircraft shall be registered with the Federal Aviation Administration. The certificate of registration shall be displayed in the aircraft in accordance with FAA requirements. A similar requirement shall be included in any arrangement for the charter, rent, hire, or lease of aircraft.

(b) *Identification.* All aircraft shall display markings as required by the Federal Aviation Administration Regulations for registered aircraft of the United States. Each bureau-owned aircraft shall also have the names of the Department and the owning bureau displayed on each side of the fuselage, except that such identification may be omitted when the aircraft is used for law enforcement or undercover work. This exception may be applied only when the head of the bureau has made a written determination that such identification would be detrimental to the Government's interests and the accomplishment of its mission.

§ 114–38.5309 Airworthiness.

With the exception of public use aircraft being operated under special regulations of the Federal Aviation Administration, all aircraft shall be required to have a currently effective Federal Aviation Administration Airworthiness Certificate appropriate to the proposed usage. This certificate shall be displayed in the aircraft. Exceptions to this requirement are: (a) Uncertified aircraft may be ferried with minimum crew when there is a written determination by qualified authority that the aircraft is safe for flight; (b) aircraft obtained by transfer from the Department of Defense or the U.S. Coast Guard may be ferried and may carry passengers incident to such transfer when the aircraft has been released as airworthy for flight.

§ 114–38.5310 Maintenance.

As a minimum, all aircraft, aircraft engines, propellers, accessories, and equipment shall be maintained and serviced in accordance with Federal Aviation Administration requirements for non-air-carrier aircraft and the instructions of the manufacturer. All repairs and alterations shall be performed and approved in accordance with applicable FAA or military standards and requirements. Preventive maintenance inspections shall be made of the airframe, engine, and accessory equipment in conformance with the equipment manufacturer's recommendations and FAA or military requirements, as applicable.

§ 114–38.5311 Operation.

(a) Flight operations must comply with the Federal Aviation Administration Regulations, and responsibility for such compliance rests with the pilot of the aircraft (IPMR 114–38.5305). Any special problem requiring deviation from the regulations shall be submitted to the FAA for an appropriate waiver. Such a waiver is required for all fixed-wing aircraft engaged in low-level flying, and any change of conditions shall be reported to the responsible FAA District Office.

(b) Flight plans are required for all flights over isolated areas, and are also required for flights under visual flight rules (VFR) conditions except where the flight is of a local nature. Where normal flight plan channels are not available, a flight dispatching and tracking procedure or other control shall be followed that will assure current knowledge by a responsible person of the aircraft's operating plan and of its arrival at destination.

(c) Aircraft, engines, and equipment shall be operated within the operating limits prescribed by the manufacturer.

(d) Adequate preflight and in-flight check lists shall be provided to, and used by, all pilots. A visual preflight inspection shall be made by the pilot before each takeoff, and any deficiency which might affect the safety of the flight shall be corrected before takeoff.

(e) All flights shall be planned so that the aircraft will arrive over its destination with a fuel reserve sufficient to reach a planned alternate destination.

§ 114–38.5312 Official use of aircraft.

(a) No officer or employee is permitted to use, or authorize the use of, any Government-owned or leased aircraft for other than official purposes (31 U.S.C. 638a(c)(2)). The guidelines set forth in IPMR 114–38.50 shall be used in determining the meaning of the term "official purposes".

(b) The official purpose of the use of Government-owned or leased aircraft is not voided or changed by the incidental transportation of unofficial passengers in available space not needed in connection with the accomplishment of official business. When such space is available, the official authorizing the flight may approve unofficial travel as described herein: *Provided,* That a waiver is obtained from any individual traveling unofficially. The waiver shall release the Government from any and all responsibility for accidental death or injury resulting from such travel, and the waiver form used shall have the advance approval of the Solicitor as to legal adequacy.

(c) The term "unofficial passengers" includes officers and employees of this Department and other Federal agencies and members of their respective families when traveling for personal convenience. It does not include, and waivers shall not be obtained from:

(1) Officers and employees of the Federal Government traveling on official business;

(2) Members of Congress and employees of congressional committee staffs whose work relates to Department of Interior programs;

(3) Non-Federal passengers when engaged in missions which further accomplishment of a departmental program such as personnel of cooperating State, county, or local agencies, representatives of foreign governments, and contractors' representatives.

(d) In the event there is occasion to transport unofficial passengers not specifically identified above, the circumstances should be submitted to the Assistant Secretary—Management and Budget, with a request for a decision concerning waiver requirements. Should such an occasion arise under emergency conditions which will not permit advance consideration, a waiver shall be obtained from the individual or individuals involved.

§ 114–38.5313 Disposal of aircraft.

The approval of the head of the bureau or office shall be required prior to the disposal of aircraft. FAA aircraft registration numbers shall be canceled and shall not be transferred or disposed of with the aircraft.

§ 114–38.5314 Records.

As a minimum, flight, aircraft, and engine logs shall be maintained in accordance with FAA requirements, and records of operation and maintenance shall be maintained as required for budgetary and reporting purposes. The head of each bureau and office shall establish requirements for other records needed.

§ 114–38.5315 Reports.

(a) Reports shall be submitted as required by the Federal Aviation Administration, the National Transportation Safety Board, and others. The head of each bureau and office shall establish the requirements for other reports that may be needed for management or other purposes.

(b) All accidents involving aircraft shall be reported promptly to the Federal Aviation Administration in accordance with 395 DM 4, and the head of the bureau or office concerned shall be notified immediately.

[FR Doc.71–15240 Filed 10–19–71;8:46 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–8; Notice No. 71–30]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Brake Performance; Emergency Brake Systems

On December 31, 1969, the Federal Highway Administrator announced that he was considering revisions of §§ 393.40, 393.51, and 393.52 of the Motor Carrier Safety Regulations (34 F.R. 20437). Those sections deal with brake systems, warning devices, and gauges, and brake performance, respectively. The Administrator's proposal was based, in part, upon comments received in response to an earlier advance notice of proposed rule making (34 F.R. 1056). In response to the invitation contained in the December 31, 1969, notice of proposed rule making, 17 interested persons filed comments on the proposed revisions. The comments have been given careful consideration.

In addition, the Bureau of Motor Carrier Safety has maintained close coordination with, and received the cooperation of, the National Highway Traffic Safety Administration in developing the contents of the revised rules. The Bureau has endeavored to achieve consistency between the requirements of the Motor Carrier Safety Regulations bearing on brake systems and allied equipment and the requirements of the Federal Motor Vehicle Safety Standards on the same subjects, so that persons affected by both regulatory schemes will not be faced with inconsistent rules.

The evidence of this effort appears in many areas. For example, both Motor Vehicle Safety Standard No. 105 and the new Standard No. 121 require manufacturers of certain vehicles to equip them with signals providing drivers with a visible warning of brake system failure. The revised § 393.51 provides that if a vehicle manufactured under the aegis of either Standard conforms to the warning-signal requirements of the Standard, it also conforms to the warning-signal requirements of the Motor Carrier Safety Regulations. Under the revised § 393.51, a carrier who acquires such a vehicle need only maintain the warning signal so that it continues to conform to the Standard as it existed on the date of the vehicle's manufacture.

Some persons who filed comments said that the proposed amendments to § 393.40, concerning separate controls for applying the three required braking systems, were unclear and inconsistent. The section has been reworded to eliminate the problem; it allows the emergency brake system control to be combined with the control of either the parking brake system or the service brake system. However, combining all three controls is prohibited. As revised, § 393.40 will require all vehicles manufactured after December 31, 1972, to have an emergency brake system or emergency features of a service brake system. The section will also require vehicles operating under the Bureau's jurisdiction to have emergency braking features similar to those which have long been required (under § 393.43 of the regulations) on combination vehicles. Section 393.51 has been extensively rewritten to specify that vehicles conforming to the requirements of applicable Motor Vehicle Safety Standards also comply with the Motor Carrier Safety Regulations with respect to required warning signals. Separate requirements are included for vehicles to which the Standards are inapplicable, such as vehicles manufactured before the effective date of the standards and vehicles having vacuum brakes for which there is no standard. In addition, § 393.51 requires vehicles using compressed air or vacuum as the operating medium of a brake system to have gauges monitoring the system.

Some respondents asked the Director to expand the exemptions from the requirements of § 393.51 (c) and (d) to include a larger number of vehicle types. To a limited extent, this request has been granted. Passenger-carrying vehicles having a seating capacity of 10 persons or less have been exempted. The exemption has also been extended to light-weight property-carrying vehicles manufactured before January 1, 1973. However, all vehicles manufactured after that date must meet the requirements of § 393.51(a).

The only unfavorable comment on the proposed table of revised braking force, deceleration, and stopping distance criteria in § 393.52(d) was that so-called "bobtailed" truck tractors presently in service might not be capable of stopping in the distance of 35 feet originally proposed. The Director has concluded that this contention has merit, and he has retained the existing stopping-distance requirement for those vehicles. The brake performance requirements of Motor Vehicle Safety Standard No. 121 will, in the future, result in a fleet of vehicles having a better stopping performance capability than those now on the highways, if vehicles manufactured after the effective date of the standard are properly maintained.

There were several persons who asked the Director to modify the rules in § 393.52(c) to specify more elaborate and precise demonstration procedures for determining whether vehicles meet the brake performance criteria. The Motor Carrier Safety Regulations are operational requirements, however. They must be drafted to apply to vehicles found in the stream of highway traffic by Motor Carrier Safety Investigators. Hence, it is impracticable to incorporate into the regulations test procedures that can be carried out only at a laboratory or a manufacturer's proving ground.

The suggestion that the table in § 393.52(d) could be streamlined by including only four vehicular categories has been accepted. In addition, the description of lightweight passenger-carrying vehicles has been changed so that those built on a passenger car chassis will fall into one category, while larger passenger-carrying vehicles will fall into another. The change is editorial in nature and has no substantive effect on the application of the rules in § 393.52. The existing table distinguishes between passenger-carrying vehicles having a manufacturer's gross vehicle weight rating and those that do not. However, recent rulemaking actions by the National Highway Traffic Safety Administration will require all vehicles to have a manufacturer's gross vehicle weight rating (see 36 F.R. 7054, amending 49 CFR 567.4). It seemed prudent, therefore, to make the distinction on another basis.

In consideration of the foregoing, §§ 393.40, 393.51, and 393.52 in Part 393 of Chapter III of Title 49, CFR are revised to read as set forth below.

Effective date. Except as specifically provided in the text of the revised rules, these revisions are effective on July 1, 1972.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on September 23, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

§ 393.40 Required brake systems.

(a) *General.* A bus, truck, truck tractor, or a combination of motor vehicles must have brakes adequate to control the movement of, and to stop and hold, the vehicle or combination of vehicles.

(b) *Specific systems required.* (1) A bus, truck, truck tractor, or combination of motor vehicles must have—

(i) A service brake system that conforms to the requirements of § 393.52; and

(ii) A parking brake system that conforms to the requirements of § 393.41.

(2) A bus, truck, truck tractor, or combination of motor vehicles manufactured on or after January 1, 1973, must have an emergency brake system that conforms to the requirements of § 393.52 (b) and consists of either—

(i) Emergency features of the service brake system; or

(ii) A system separate from the service brake system.

A control by which the driver applies the emergency brake system must be located so that the driver can readily operate it when he is properly restrained by any seat belt assembly provided for his use. The control for applying the emergency brake system may be combined with either the control for applying the service brake system or the control for applying the parking brake system. However, all three controls may not be combined.

(c) *Interconnected systems.* (1) If the brake systems specified in paragraph (b) of this section are interconnected in any way, they must be designed, constructed, and maintained so that, upon the failure

of any part of the operating mechanism of one or more of the systems (except the service brake actuation pedal or valve)—

(i) The vehicle will have operative brakes; and

(ii) In the case of a vehicle manufactured on or after January 1, 1973, the vehicle will have operative brakes capable of performing as specified in § 393.52(b).

(2) A motor vehicle to which the emergency brake system requirements of Motor Vehicle Safety Standard No. 105 (§ 571.21 of this title) applied at the time of its manufacture conforms to the requirements of subparagraph (1) of this paragraph if—

(i) It is maintained in conformity with the emergency brake requirements of Standard No. 105 in effect on the date of its manufacture; and

(ii) It is capable of performing as specified in § 393.52(b), except upon structural failure of its brake master cylinder body or effectiveness indicator body.

(3) A bus conforms to the requirements of subparagraph (1) of this paragraph if it meets the requirements of § 393.44 and is capable of performing as specified in § 393.52(b).

§ 393.51 Warning devices and gauges.

(a) *General.* A bus, truck, or truck tractor manufactured on or after January 1, 1973, must be equipped with a signal that provides a warning to the driver when a failure of any component of the vehicle's service brake system permits leakage of the system's operating medium.

(b) *Hydraulic brakes.* In a vehicle manufactured on or after January 1, 1973, and having service brakes activated by hydraulic fluid, the warning signal must perform as follows:

(1) If Motor Vehicle Safety Standard No. 105 (§ 571.21 of this title) was applicable to the vehicle at the time it was manufactured, the warning signal must conform to the requirements of that standard.

(2) If Motor Vehicle Safety Standard No. 105 was not applicable to the vehicle at the time it was manufactured, the warning signal must become operative when the service brakes are applied and must provide a readily audible or visible signal to the driver.

(c) *Air Brakes.* Except as provided in paragraph (f) of this section, a vehicle (regardless of the date it was manufactured) having service brakes activated by compressed air or a vehicle towing a vehicle having service brakes activated by compressed air must be equipped, and perform, as follows:

(1) The vehicle must have a low air pressure warning device that conforms to the requirements of either subdivision (i) or (ii) of this subparagraph.

(i) If Motor Vehicle Safety Standard No. 121 (§ 571.21 of this title) was applicable to the vehicle at the time it was manufactured, the warning device must conform to the requirements of that standard.

(ii) If Motor Vehicle Safety Standard No. 121 was not applicable to the vehicle at the time it was manufactured, the vehicle must have a device that provides a readily audible or visible continuous warning to the driver whenever the pressure of the compressed air in the braking system is below a specified pressure, which must be at least one-half of the compressor governor cutout pressure.

(2) The vehicle must have a pressure gauge which indicates to the driver the pressure in pounds per square inch available for braking.

(d) *Vacuum brakes.* Except as provided in paragraph (f) of this section, a vehicle having service brakes activated by vacuum or a vehicle towing a vehicle having service brakes activated by vacuum must be equipped with—

(1) A device that provides a readily audible or visible continuous warning to the driver whenever the vacuum in the vehicle's supply reservoir is less than 8 inches of mercury; and

(2) A vacuum gauge which indicates to the driver the vacuum in inches of mercury available for braking.

(e) *Maintenance.* The warning devices and gauges required by this section must be maintained in operative condition.

(f) *Exceptions.* The rules in paragraphs (c) and (d) of this section do not apply to the following vehicles:

(1) Buses having a seating capacity of 10 persons (including the driver) or less; and

(2) Trucks and truck tractors having less than three axles, except a truck or truck tractor manufactured on or after January 1, 1973, and having a manufacturer's gross vehicle weight rating of more than 10,000 pounds.

§ 393.52 Brake performance.

(a) Upon application of its service brakes, a motor vehicle or combination of motor vehicles must under any condition of loading in which it is found on a public highway, be capable of—

(1) Developing a braking force at least equal to the percentage of its gross weight specified in the table in paragraph (d) of this section;

(2) Decelerating to a stop from 20 miles per hour at not less than the rate specified in the table in paragraph (d) of this section; and

(3) Stopping from 20 miles per hour in a distance, measured from the point at which movement of the service brake pedal or control begins, that is not greater than the distance specified in the table in paragraph (d) of this section.

(b) Upon application of its emergency brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles must, under any condition of loading in which it is found on a public highway, be capable of stopping from 20 miles per hour in a distance, measured from the point at which movement of the emergency brake control begins, that is not greater than the distance specified in the table in paragraph (d) of this section.

(c) Conformity to the stopping-distance requirements of paragraphs (a) and (b) of this section shall be determined under the following conditions:

(1) Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material.

(2) The vehicle must be in the center of a 12-foot-wide lane when the test begins and must not deviate from that lane during the test.

(d) Vehicle brake performance table:

Type of motor vehicle	Service brake systems			Emergency brake systems
	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Application and braking distance in feet from initial speed of 20 m.p.h.	Application and braking distance in feet from initial speed of 20 m.p.h.
(1) Passenger vehicles with a seating capacity of 10 or less persons, including driver, built on passenger car chassis	65.2	21	20	54
(2) Passenger vehicles with a seating capacity of more than 10 persons, including driver. Single unit vehicles with manufacturer's GVWR of 10,000 pounds or less, except passenger vehicles	52.8	17	25	69
(3) Single unit vehicles with a manufacturer's GVWR of more than 10,000 pounds except truck tractors. Combinations of a 2-axle towing vehicle and trailer with a GVW of 3,000 pounds or less. All combinations of 2 or less vehicles in driveaway or towaway operation	43.5	14	35	85
(4) All other vehicles and combinations of vehicles	43.5	14	49	90

NOTE: (a) There is a definite mathematical relationship between the figures in columns 2 and 3. If the decelerations set forth in column 3 are divided by 32.2 feet per second, the figures in column 2 will be obtained. (For example, 21 divided by 32.2 equals 65.2 percent.) Column 2 is included in the tabulation because certain brake-testing devices utilize this factor.

(b) The decelerations specified in column 3 are an indication of the effectiveness of the basic brakes, and as measured in practical brake testing are the maximum decelerations attained at some time during the stop.

These decelerations as measured in brake tests cannot be used to compute the values in column 4 because the deceleration is not sustained at the same rate over the entire period of the stop. The deceleration increases from zero to a maximum during a period of brake-system application and brake-force buildup. Also, other factors may cause the deceleration to decrease after reaching a

maximum. The added distance which results because maximum deceleration is not sustained is included in the figures in column 4 but is not indicated by the usual brake-testing devices for checking deceleration.

(c) The distances in column 4 and the decelerations in column 3 are not directly related. "Brake-system application and braking distance in feet" (column 4) is a definite measure of the overall effectiveness of the braking system, being the distance traveled between the point at which the driver starts to move the braking controls and the point at which the vehicle comes to rest. It includes distance traveled while the brakes are being applied and distance traveled while the brakes are retarding the vehicle.

(d) The distance traveled during the period of brake-system application and brake-force buildup varies with vehicle type, being negligible for many passenger cars and greatest for combinations of commercial vehicles. This fact accounts for the variation from 20 to 40 feet in the values in column 4 for the various classes of vehicles.

(e) The terms "GVWR" and "GVW" refer to the manufacturer's gross vehicle rating and the actual gross vehicle weight, respectively.

[FR Doc.71-15195 Filed 10-19-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Catahoula National Wildlife Refuge, La. and Tennessee National Wildlife Refuge, Tenn.

The following special regulations are issued and are effective upon date of publication in the FEDERAL REGISTER (10-20-71). These special regulations provide access across and through certain portions of national wildlife refuges. These access routes are delineated on maps available at the respective refuge office.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

A corridor open for the transportation of unloaded and encased shotguns by vehicle and boat during any and all legal waterfowl hunting season as follows:

That portion of Catahoula Refuge between and including refuge road on south side of French Fork and Catahoula Lake in secs. 8 and 9, T. 6 N., R. 4 E.; refuge road along east and south boundary of Bureau owned land in sec. 2, T. 6 N., R. 4 E.; Bureau owned land in secs. 3 and r, T. 6 N., R. 4 E.

Bureau owned lands in secs. 15 and 22, T. 7 N., R. 4 E. and that portion of refuge road along Old River in sec. 14, T. 7 N., and R. 4 E.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

A corridor open to the transportation of unloaded and encased shotguns by vehicle and boat across certain following described lands and waters of the Tennessee National Wildlife Refuge is hereby proclaimed. The period open to firearm transportation shall run concurrently with any and all legal waterfowl seasons designated for the counties of Perry and Decatur in the State of Tennessee.

The land portion of the corridor shall consist of the "Marina Ridge Road" from where said road enters the Tennessee National Wildlife Refuge southward to the Sugar Tree Marina, including the marina parking area.

A water corridor shall follow the meanders of Morgan Creek in an easterly direction from the Sugar Tree Marina dock to the mouth of Morgan Creek and thence due east to midchannel of the Tennessee River.

The water corridor width is set forth as that water area up to 100 feet on either side of the channel marker buoy from Sugar Tree Marina to the mouth of Morgan Creek, except that no boat bearing firearms shall be permitted nearer than 20 feet to any mainland. From the mouth of Morgan Creek to the midchannel of the Tennessee River, the water corridor width is set forth as that water area up to 250 feet on either side of an imaginary line running due east from midchannel of Morgan Creek inlet to midchannel of the Tennessee River.

These special regulations supplement the regulations governing transportation of firearms on national wildlife refuges generally which are set forth in Code of Federal Regulations, Title 50, Part 28, and are effective until revoked.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 8, 1971.

[FR Doc.71-15238 Filed 10-19-71;8:46 am]

PART 32—HUNTING

Muscatatuck National Wildlife Refuge, Indiana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-20-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Indiana, is permitted only on the area designated by signs as open to hunting on the southeast corner of the refuge. This area, comprising 1,320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1972.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Indiana.

OCTOBER 12, 1971.

[FR Doc.71-15239 Filed 10-19-71;8:46 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Table 4, of Department Circular No. 653, Eighth Revision, dated December 12, 1969, as amended, is hereby supplemented by the addition of Table 4-A, as set forth below.

Dated: October 12, 1971.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 4-A

BONDS BEARING ISSUE DATE DECEMBER 1, 1941 [1]

Issue price	$18.75	$37.50	$75.00	$375.00	$750.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	500.00	1,000.00			

Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — THIRD EXTENDED MATURITY PERIOD					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity [3]
						Percent	*Percent*	*Percent*
First ½ year [2]	(12/1/71)	$51.37	$102.74	$205.48	$1,027.40	$2,054.80	0.00	5.49	5.50
½ to 1 year	(6/1/72)	52.78	105.56	211.12	1,055.60	2,111.20	5.49	5.49	5.50
1 to 1½ years	(12/1/72)	54.23	108.46	216.92	1,084.60	2,169.20	5.49	5.53	5.50
1½ to 2 years	(6/1/73)	55.73	111.46	222.92	1,114.60	2,229.20	5.51	5.49	5.50
2 to 2½ years	(12/1/73)	57.26	114.52	229.04	1,145.20	2,290.40	5.50	5.48	5.50
2½ to 3 years	(6/1/74)	58.83	117.66	235.32	1,176.60	2,353.20	5.50	5.51	5.50
3 to 3½ years	(12/1/74)	60.45	120.90	241.80	1,209.00	2,418.00	5.50	5.49	5.50
3½ to 4 years	(6/1/75)	62.11	124.22	248.44	1,242.20	2,484.40	5.50	5.51	5.50
4 to 4½ years	(12/1/75)	63.82	127.64	255.28	1,276.40	2,552.80	5.50	5.53	5.50
4½ to 5 years	(6/1/76)	65.58	131.16	262.32	1,311.60	2,623.20	5.50	5.49	5.50
5 to 5½ years	(12/1/76)	67.38	134.76	269.52	1,347.60	2,695.20	5.50	5.49	5.50
5½ to 6 years	(6/1/77)	69.23	138.46	276.92	1,384.60	2,769.20	5.50	5.53	5.50
6 to 6½ years	(12/1/77)	71.14	142.28	284.56	1,422.80	2,845.60	5.50	5.48	5.50
6½ to 7 years	(6/1/78)	73.09	146.18	292.36	1,461.80	2,923.60	5.50	5.50	5.50
7 to 7½ years	(12/1/78)	75.10	150.20	300.40	1,502.00	3,004.00	5.50	5.51	5.50
7½ to 8 years	(6/1/79)	77.17	154.34	308.68	1,543.40	3,086.80	5.50	5.49	5.50
8 to 8½ years	(12/1/79)	79.29	158.58	317.16	1,585.80	3,171.60	5.50	5.50	5.50
8½ to 9 years	(6/1/80)	81.47	162.94	325.88	1,629.40	3,258.80	5.50	5.50	5.50
9 to 9½ years	(12/1/80)	83.71	167.42	334.84	1,674.20	3,348.40	5.50	5.50	5.50
9½ to 10 years	(6/1/81)	86.01	172.02	344.04	1,720.20	3,440.40	5.50	5.51	5.51
THIRD EXTENDED MATURITY VALUE (40 years from issue date)	(12/1/81)	88.38	176.76	353.52	1,767.60	3,535.20	[4]5.50		

[1] Yields also apply to bonds with issue dates January 1, 1942 through April 1, 1942, unless there is a change in the prevailing rate for Series E bonds being issued at the time the third extension begins. (See Sec. 316.8(b)(2).)

[2] Month, day, and year on which issues of Dec. 1, 1941, enter each period.

[3] Based on third extended maturity value in effect on the beginning date of the half year period.

[4] Yield on purchase price from issue date to third extended maturity date is 3.91 percent.

[FR Doc.71-15126 Filed 10-19-71;8:45 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1, Circular No. 21]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 21

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations and policy statements by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This 21st circular covers determinations and policy statements by the Council through October 18, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 21

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

(2) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615, as amended.

(3) Executive Order No. 11627 was issued on October 15, 1971, to further implement the President's stabilization program. The order superseded Executive Order No. 11615 of August 15, 1971, but provided in section 13 that all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

(4) The purpose of this circular, the 21st in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 31, 1971.
Executive Order No. 11627, 36 F.R. 20139, October 15, 1971.

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circular No. 101.

400. *Price guidelines.*

403. *Specific guidelines.* (1) Of those agricultural commodities regulated by the Federal Government, sugar is the most closely controlled. Under provisions of the National Sugar Act the Department of Agriculture provides for the stabilization of sugar prices at all levels of distribution. Further, the Department of Agriculture dictates the compensation formula which allocates the portions of the price of raw sugar which are paid to the processor and to the grower. The selling price of raw sugar is frozen at the price which prevailed during the base period (the 30 days ending August 14) as established by the Department of Agriculture. The formula is frozen at the rate determined by the Department of Agriculture for the base period, but the amount per unit that accrues to the processor and the grower is not necessarily limited to the amount which they received last year.

404. *Prices on imports—(1) Exclusion of surcharge in calculation of commissions and expenses.* The Council has

previously ruled on the extent and manner in which the surcharge and other increases in the prices of imports may be passed on to the consumer. The effect of these rulings—i.e., that increases in import prices may be passed on only penny for penny—is to prevent the seller from realizing an added profit due to the increased prices of imports. Similarly, employee compensation should not increase during the freeze as a result of the surcharge and other import price increases. Consequently:

(a) In calculating commissions and other forms of compensation based on sales, businessmen are not permitted to include in sales figures the amount of increases in the prices of imported products.

(b) The import surcharge and other increased costs of imported goods shall not be included in the calculation of business expenses (e.g., rentals) that are based on a percentage of sales.

Note, however, that this ruling does not apply to the calculation of sales and other taxes. The surcharge and other increases in import prices should be included in the sales totals as required by law.

600. *Rent guidelines.*

602. *Specific*—(1) *Formula-determined rentals in leases: Both gross and net (including financial leases such as sale and leaseback, revenue bonds backed by finance leases, equipment leases and take-or-pay contracts).* Where base period rentals are determined by a formula specified in a lease or other agreement, the same formula may be applied throughout the freeze period, and pursuant to such formula, monthly rentals may exceed the dollar amount paid in the base period: *Provided, however,* That increases are not permitted in the following cases: (a) Rent increases contingent upon passage of time, (b) increases keyed to the consumer price index, (c) increases based on taxes, except surcharges or sales or excise taxes as specified in the last sentence of paragraph 402(1) of OEP Economic Stabilization Circular No. 19 which increased during the freeze period, (d) increases due to the import surcharge and other permitted increases in costs of imported goods. A landlord may pass on, under such a lease agreement, taxes which were increased and legally effective prior to August 15 (even if exact tax liability for the property is not computed until after August 15).

NOTE: This paragraph supersedes paragraph 602(1) of OEP Economic Stabilization Circular No. 19.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: October 19, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-15420 Filed 10-19-71; 2:41 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Increase in Expenses for 1971–72 Fiscal Period

Consideration is being given to the following proposal submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary find that provisions pertaining to the rate of assessment in paragraph (b) of § 926.211 *Expenses and rate of assessment* (36 F.R. 17323) be amended to read as follows:

§ 926.211 Expenses and rate of assessment.

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at 3 cents ($0.03) per standard package or equivalent quantity of grapes.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15275 Filed 10-19-71;8:48 am]

Rural Electrification Administration

[7 CFR Part 1701]

EVALUATION OF THE OPERATION AND MAINTENANCE OF RURAL ELECTRIC SYSTEMS

Criteria and Procedures

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue revised REA Bulletin 161–5, System Operation and Maintenance Review and Evaluation. The revised REA Bulletin provides criteria and procedures for the electric distribution borrowers to rate the adequacy of their own operation and maintenance program and the review of the effectiveness of that program by REA. On issuance of the REA Bulletin, appendix A, included in Part 1701, will be modified accordingly.

Persons interested in the provisions of revised REA Bulletin 161–5, may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours.

A copy of proposed REA Bulletin 161–5, together with associated forms and detailed instructions, may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of proposed REA Bulletin 161–5 is as follows:

REA BULLETIN 161–5

Subject: System Operation and Maintenance Review and Evaluation.

I. *Purpose.* To provide criteria and procedures for the electric distribution borrowers to rate the adequacy of their own operation and maintenance programs, and to provide for the periodic review and evaluation by the REA field engineer of the effectiveness of such programs.

II. *Responsibility.* A. Each borrower is responsible for carrying on an effective ongoing program of electric system operation and maintenance and for maintaining adequate records to assess the physical and electrical condition of its system and the quality of service being rendered.

B. The REA field engineer is responsible within his assigned territory, to periodically review and evaluate, at least every 3 years, the effectiveness of each borrower's operation and maintenance program.

C. To facilitate this periodic review and evaluation by the REA field engineer, each borrower is requested to make available to the REA field engineer, at the time selected by him, all appropriate records relating to operation and maintenance of its system and the borrower's own rating of the adequacy of its records and its operation and maintenance program following the procedures set forth in this bulletin.

III. *Guidelines for an effective operation and maintenance program.* REA has issued bulletins to provide guidelines to the borrower regarding operation and maintenance practices and the keeping of adequate records including:

REA Bulletin	*Title*
161–1	Interruption Reporting and Service Reliability Standards for Electric Distribution Systems.
161–3	Line Inspection and Maintenance Records-Distribution Lines.
161–4	Pole Maintenance.
161–7	Guide for Making Voltage Measurements on Rural Distribution Systems.
161–8	Voltage and Current Investigations.
161–9	Guide for Making Current Measurements on Rural Distribution Systems.
161–11	Operation and Maintenance Records for Distribution Equipment.
161–14	Maintenance of Oil Circuit Reclosers and Sectionalizers.
161–17	Brush Control Practices for Right-of-Way Maintenance.
165–1	Substation Inspection and Maintenance.
169–4	Voltage Levels on Rural Distribution Systems.
169–9	Location of Radio Interference on Rural Power Systems.
169–13	Television Interference in Rural Areas.

The borrower is expected to follow the above recommended REA guides, standards, and procedures or to follow practices which are generally equivalent. Systematic inspection and maintenance records and a continuing program of monitoring the quality of electric service are essential as a basis for an effective operation and maintenance program.

IV. *Procedures for conduct of the review and evaluation.* A. The REA field

engineer, in consultation with the borrower, will schedule the time for his review and evaluation.

B. The borrower will be asked to make available to the REA field engineer all appropriate records relating to the operation and maintenance of the system. In general this includes records developed pursuant to the standards and procedures set forth in the REA bulletins listed in section III above or their equivalent, including the systematic, continuing plant inspection records. The borrower is expected to complete REA Form 300, "Rating Summary of Operation and Maintenance," following the rating procedures set forth in section V below. When the form is completed, the borrower should notify the REA field engineer of the availability of the records and the completed Form 300. REA Forms 301–304 are for use by the borrower as worksheets and supporting information which will also be of interest to the REA field engineer for his review and evaluation.

C. If the REA field engineer, considering his knowledge of the condition of the physical plant, finds that the records are adequate, he will then complete his review and evaluation and will consult with the borrower regarding its future operation and maintenance program requirements. The REA field engineer will sign the Form 300, signifying his review thereof, and will furnish his comments and recommendations to the borrower by letter.

D. If, however, the records are not adequate in the opinion of the REA field engineer for completing his review and evaluation, the borrower will be requested to conduct (or have conducted) with qualified personnel a sample inspection as set forth in Appendix A, "Sample Inspection," of this bulletin; and to develop and provide the additional operating information and data needed to assess the operating condition of the system. See section V, paragraphs B, C, and D of this bulletin. Moreover, such "Sample Inspection" should assist management in implementing an effective ongoing operation and maintenance program.

V. *How borrower should use Form 300 in rating its operation and maintenance program.* Rating by the borrower should be made of the electric plant condition, records, safety program, and service conditions, and the ratings of satisfactory (S) or unsatisfactory (U) entered on Form 300. Such ratings will be one of the bases for planning the future operation and maintenance program including cost estimates.

A. *Electric plant.* The physical condition of overhead lines should be rated on the basis of deficient items as reported from field inspections on forms such as those provided in REA Bulletin 161–3, "Line Inspection and Maintenance Records," or equivalent. Where deficient items cannot be determined from such existing line inspection and maintenance records, the summary of the sample inspection data from REA Form 301 as set forth in appendix A should be used. The physical condition of underground installation should be rated on the basis of deficient items as summarized on REA Form 304, "Underground Distribution System Inspection Summary."

Percentages of deficient items are calculated from the inspection results as summarized from the inspection forms for system components. An evaluation will be needed for each item where the numerical count shows any individual items marked unsatisfactory. Total number of the items deficient and total inspected are the basis for percentage deficient. A comparison of this percentage with that shown either in Table 4 or Table 5 of Appendix B, "Procedures for Determining Abnormal Deferred Maintenance," is then made. This will be the basis for assignment of the satisfactory or the unsatisfactory rating.

All substations and all switching stations should be inspected and results recorded on REA Form 302, "Substation and Switching Station Inspection Sheet," or the equivalent. This form provides a yes-or-no checklist.

As substations and switching stations are limited in number and are very important with relation to power supply and quality of service, they should be given a high degree of maintenance. Borrowers should review the reports on Form 302 in detail to determine if any deficiencies exist and should make plans to correct these deficiencies. The overall ratings should be reported in REA Form 300.

B. *Records.* Part II of REA Form 300 is for the rating of records. Each of the records listed should be rated. If no records exist for an item, "None" (N) should be checked.

Adequate records are an essential part of good operations. Such records will prove invaluable in rating service conditions. Section III of this bulletin lists REA bulletins which provide suitable sample record forms. If the records are not complete and up-to-date, they are considered unsatisfactory.

C. *Safety program.* Part III of REA Form 300 is for the rating of safety and includes data available from the observation sheet used in the Safety Accreditation Program. Items 2 to 4 (disabling injury frequency rate, disabling injury severity rate, and disabling injury index) are computed according to instructions in USA Standard USAS Z16.1–1967, "Method of Recording and Measuring Work Injury Experience."

The safety program should cover all activities of the system relating to the employees, the members, and the public. Since this program affects every phase of operation, the data requested should be prepared carefully.

D. *Service conditions.* Service conditions cover many aspects not evident from a visual inspection of the electric plant. REA Form 303, "Survey of Service Conditions," contains a yes-or-no checklist of six major items for compiling data about voltage, system losses, load factor, power factor, radio and television interference, and load ratios. This information should be available in the borrower's existing records. Any item in the checklist that is checked "No" will result in a (U) rating for that major group as summarized in part IV of REA Form 300.

One important indicator of quality of service is the outage experience. If service has been frequently interrupted, the quality of service is degraded. Provision is made in part IV, item 7, of REA Form 300, for entering total system outage data.

The unit of outage is average annual hours per consumer. Space is provided for records of hours of outage for the past 5 years. Progressive lowering of outage time is an indication that system operations are improving. A satisfactory rating is given if the average annual hours outage per consumer do not exceed five; when the number exceeds five, a reason should be given along with the proposed corrective measures.

VI. *Cost estimates.* The results of the rating described in section V will be used in preparing cost estimates for operation and maintenance. The past and future operation and maintenance costs should be entered in part V of REA Form 300. In doing this, consideration should be given separately to (a) normal expenses for an ongoing up-to-date program with the work generally completed year by year as the need arises and (b) anticipated costs to complete any abnormal deferred work. Estimated future costs may differ from the past because of system growth, changes in labor and material prices, and adequacy of the past operation and maintenance program. Annual operation and maintenance costs (defined in REA Bulletin 181–1, "Uniform System of Accounts") during the past 5 years can be used as a guide in estimating normal costs during the next 4 years.

A. *Systems with no abnormal deferred maintenance.* Assuming the past operation and maintenance program has been adequate, the principal factors involved in preparing cost estimates will be system growth, age, and anticipated changes in labor and material prices.

B. *Systems with abnormal deferred maintenance or inadequate operating program.* Correction requires expenditures greater than those of the past for plant items rated unsatisfactory and for increased costs to improve an inadequate operating program. Abnormal deferred maintenance as shown in line 3 of part V of REA Form 300 is that estimated cost necessary to bring all unsatisfactory items up to a satisfactory condition.

By definition, for electric plant items the percent by which an unsatisfactory item exceeds the maximum allowable percent deficient (table 4 or 5 in appendix B as applicable) is the percent to be corrected. This percent figure, multiplied by the total quantity of this item in the system, will give the number of this item representing abnormal deferred maintenance cost. With this information, the total cost of correcting the abnormal deferred maintenance may be estimated. This total should be prorated over a period of not more than 3 years and entered in the appropriate line and columns of part V of Form 300.

Estimates for improving the operating program are to be included in the future operating costs entered in line 1 of part V of Form 300.

VII. *Planning for the future.* The greatest benefits from this review and evaluation should take the form of improved plans for the future. The following questions are suggested for thought and discussion following the system operation and maintenance evaluation:

A. What changes in work organization, records, and procedures may offer the most promise for effective operation and maintenance at lowest cost?

B. Do plans for the future take adequate account of probable changes in system loads, conditions of service and new requirements such as those arising from concern about the environment? If there are possible changes that could not be fully dealt with in present plans, what are they?

C. Are operating techniques keeping up with system growth and are plans for operation in line with the long-range plans for system development?

D. Are the present methods of recruiting and training employees adequate to make certain that the capabilities for meeting future needs will be available? If not, what changes are called for?

E. In data processing, are the newer methods and concepts well enough understood to be correctly fitted into future plans?

APPENDIX A

SAMPLE INSPECTION

I. *Procedures for statistical sampling.* Where REA borrowers have not been systematically inspecting their physical plants in accordance with REA Bulletin 161-3 and maintaining adequate records, a sampling inspection procedure should be used to determine adequately the current physical condition of the systems. Statistically acceptable sampling techniques may be used to make this determination for overhead lines and underground facilities. However, with respect to substations and switching stations, all of these facilities should be inspected.

A. *Overhead lines.* A line sample unit consists of consecutive spans of transmission or distribution line. Usually a transmission line sample unit will be 4-miles long, a distribution line sample unit, 1½-miles long. However, other lengths may be desirable. For example, on flat terrain where distribution line is built on section lines, the length of a sample unit might be 1 or 2 miles, assuming the total mileage inspected is the same. On distribution lines all secondary lines and services associated with the sample should be included in the inspection. The minimum number of line samples to be inspected is shown in tables 1 and 2. When practicable, it is recommended the sample units be spaced at equal intervals on the lines. This systematic choice of sample units will result in a maximum degree of accuracy in the overall results. It may be desirable to locate the sample units on some other bases such as general knowledge of the system, plant records, age of line sections, type of line, terrain, other kinds of inspection recently made, and accessibility of sample units. In the event that a systematic choice is not made, a judgment factor will be required to arrive at a reasonably accurate estimate of the actual number of deficient items present.

TABLE 1

NUMBER OF 1.5-MILE UNITS TO BE INSPECTED IN A DISTRIBUTION LINE

Miles of distribution line in system	*Number of 1.5-mile units to be inspected*
0–10	Inspect all.
11–17	7–8.
18–24	9–10.
25–30	11–12.
31–39	13–14.
40–54	15–17.
55–79	18–20.
80–119	21–23.
120–204	24–26.
205–409	27–29.
410–600	30–31.
600–3,000	32.
3,000–10,000	33.

TABLE 2

NUMBER OF 4-MILE UNITS TO BE INSPECTED IN A TRANSMISSION LINE

Miles of transmission line in system	*Number of 4-mile units to be inspected*
0–20	Inspect all.
21–27	5–6.
28–37	7–8.
38–46	9–10.
47–56	11–12.
57–72	13–15.
73–87	16–18.
88–110	19–21.
111–140	22–24.
141–180	25–27.
181–220	28–30.
221–260	31–33.
261–310	34–36.
311–370	37–39.
371–450	40–42.
451–560	43–45.
561–720	46–49.
721–1,100	50–54.
1,101–1,800	55–59.
1,801–4,000	60–64.

B. *Underground facilities.* The size of the sample is determined by the number of consumers served by underground facilities. It is recognized that load density may vary widely—from one to three consumers per lineal mile in sparsely settled rural areas to several hundred consumers per mile. Table 3 reflects this contrast to a degree in that percent to be inspected is much lower for large numbers of consumers.

TABLE 3

NUMBER OF INDIVIDUAL CONSUMER FACILITIES TO BE INSPECTED IN UNDERGROUND INSTALLATIONS

Number of consumers served by underground	*Number of consumer facilities to be inspected*
0–24	Inspect all.
25–36	21–25.
37–48	26–32.
49–63	33–38.
64–80	39–42.
81–97	43–48.
98–138	49–55.
139–160	56–60.
161–230	61–69.
231–350	70–80.
351–540	81–92.
541–880	93–104.
881–1,495	105–118.
1,496–2,600	119–131.
2,601–4,850	132–147.
4,851–9,200	148–164.
9,201–18,500	165–182.
18,501–38,000	183–200.

II. *Procedures for conducting a sample inspection*—A. *Overhead transmission and distribution lines.* Sample field inspection data may be recorded on REA Form 301 or Sample No. 1 in REA Bulletin 161-3. The latter may be preferable as it provides more columns for possible checking of details needing correction. Following the field inspection, the data as recorded in the field should be summarized, rated, and recorded on REA Form 300. NOTE: Radio noise should be monitored continuously during the field inspection since the level of noise is a good indicator of the maintenance of certain items of equipment and components such as loose hardware, damaged insulators, and poor electrical connections. These results should be recorded on the inspection form.

1. *Poles.* For the purpose of this sample inspection, the condition of the pole above ground should be observed. When climbing is necessary, the pole should be rocked to determine if it is safe to climb. If there is any doubt about its soundness, do not climb. The field inspection form should then be marked to bring the pole to the attention of the qualified pole inspection crew for a complete inspection. Conditions such as decay, splitting, or large bird holes should be recorded. Poles that are leaning, twisted, or out of line and missing ground wire, staples, or bonding clamps should also be recorded.

2. *Right-of-way.* Since the width of right-of-way is not likely to vary within a sample unit, it may be indicated at the space provided at the top of the field inspection form and the appropriate column checked for each span inspected.

a. The recommended vertical clearances between trees or brush and conductors at maximum sag are as follows:

DISTRIBUTION—MINIMUM CLEARANCE

	Feet
Neutral, where neutral is lowest conductor	3
Phase wire	6

TRANSMISSION—MINIMUM CLEARANCE

	Feet
Under 70 kv	6
70 to 132 kv	8

If the present maintenance program for right-of-way will keep the brush height below these limits, considering the regrowth cycle, the brush height is satisfactory.

b. Danger trees along transmission line rights-of-way are defined on drawing TM-12, 12-1, 13 of REA Form 805, "Electric Transmission Specifications and Drawings," on distribution line rights-of-way they are referred to in paragraph 16, page 5, of REA Form 803, "Specifications and Drawings for 14.4/24.9 kV Line Construction," and REA Form 804, "Specifications and Drawings for 7.2/12.5 kV Line Construction."

c. Side trimming is necessary where tree limbs overhang the right-of-way and conductors are likely to sag or swing into them or where tree limbs may sag into the line when they are loaded with snow, rain, or ice.

3. *Watthour meter.* The watthour meter should be checked for tilt, adequate support and evidence of tampering.

4. *Anchor and guy.* The anchor and guy installation should be observed for location, clearance to conductor, slackness, and bonding. Anchor and guy should be checked for evidence of mechanical damage from vehicles or machinery or from corrosion. Guy strands should be checked for damage by grips. Occasional digging around anchor rods where soil is corrosive may reveal damage by corrosion beneath the surface.

5. *Pole-top assembly.* Most pole-top components can be adequately inspected from the ground. Field glasses or 20- to 50-power

telescopes mounted on tripods are helpful for a closer study of conductor and pole-top items. The crossarm should be reasonably level and at right angles to the line. It should be inspected for lightning damage, decay, and large checks. Occasionally climbing a pole may reveal decay on upper surfaces. Damaged insulators should be marked for replacement. Hardware should be checked to see if it is tight and free of excessive corrosion, in need of locknuts, and whether any are broken or missing. Damaged insulators and loose or faulty hardware may also be indicated by a high level of radio or television interference.

6. *Primary conductors.* Insufficient clearance or improper sag can be observed from the ground. Clearance is important from the standpoint of safety. Sag is a check for correct conductor tension. Clamps should be inspected for corrosion and compatibility with conductor materials, also for evidence of loose connections. Conductor should be examined for nicks, broken or burned strands, corrosion or vibration damage. Condition of tie wire should be noted.

7. *Secondary and service.* The secondary and service installations should be inspected for code compliance relative to clearance. Notation should be made on the field inspection form where length of secondary and service, in conjunction with size of transformer, may result in voltage drops greater than the allowable four volts between primary terminals and consumer's meter.

8–11. *Line regulator, distribution transformer, oil circuit recloser, and sectionalizer.* These items should be plumb and securely mounted, with no missing hardware. Check for evidence of poor electrical connections and for condition of lightning arresters. Also check for bushing damage, paint condition, rusted tank, oil leaks, and external evidence of overloading.

Regulators should be checked for settings of controls for correct voltage level, band width, time delay, line drop compensation, and range of regulation. Satisfactory operating condition should be checked manually throughout the operating range. Where more than one regulator is used on a feeder, coordination of time delay settings should be noted.

12. *Airbreak switch.* The group operated airbreak switch should be checked for damaged bushings and should be manually operated, if feasible. The operating handle should be properly grounded. A mat, in good condition, adequately grounded and bonded to the handle, should have been installed for the operator.

Each inspection team should summarize the data on the inspection forms by inserting the totals at the bottom of each sheet. This will provide individual totals that will serve as the basis for evaluating the physical condition of all lines.

B. *Substations and switching stations.* All substations and switching stations should be inspected and results recorded on REA Form 302 or the equivalent. Form 302 provides a yes-or-no checklist. If items are marked "No," management must decide the urgency for correction. Hazards or conditions that may result in a reduction of service reliability should be corrected at once; otherwise, arrangements should be made for corrections during the next regularly scheduled maintenance period. Readings of instruments in stations should be taken during the inspection and recorded on the back of REA Form 302 or the equivalent.

C. *Underground installations.* The field inspection of the underground system should include those parts that are accessible without digging. The inspection of the buried cable is normally done only at locations where faults occur.

REA Form 304 contains a yes-or-no checklist of components other than buried cable. Detailed worksheets should be prepared by the borrower and used for making the field inspection. These should be patterned after the summary inspection sheet, as appropriate, with a "Remarks" column to record the nature and location of deficient items in order to facilitate corrective work.

APPENDIX B

PROCEDURES FOR DETERMINING ABNORMAL DEFERRED MAINTENANCE

REA Form 301 provides one line on which to record data observed per span. The (S) columns should be checked for all items regarded as satisfactory. Any regarded as unsatisfactory should be checked in the (U) column. The "Remarks" column provides space for explanation of deficient items such as leaning pole, broken insulator, insufficient clearance between growth on right-of-way and conductor, or excessive length of service conductor.

When the percentage for a given item checked (U) exceeds that shown in table 4 or 5, the item is considered deficient and the part of the percentage in excess of the value in the table represents abnormal deferred maintenance costs.

Dollar amounts for abnormal deferred maintenance (Line 3, Part V, REA Form 300) should be determined from the estimated total numbers of deficient items. This may be done by using man-year requirements and other costs, based on experience, consistent with those included as normal maintenance costs (line 2).

TABLE 4

PERCENT OF DEFICIENT OVERHEAD PLANT ITEMS ALLOWABLE BEFORE ABNORMAL DEFERRED MAINTENANCE IS ASSUMED

Item	Condition	Percent of all spans or units
1. Pole	Installation	3
	Wood	1
2. Right-of-way	Width, overhead clearance, side trimming [1]	5
	Danger trees	1
3. Watthour meter	Installation	1
4. Anchor and guy	Installation	2
	Damaged, broken	[2]0
5. Pole-top assembly	Installation, hardware	3
	Crossarm, insulator	1
6. Primary conductor	Sag, tension	2
	Clamps, damage	0.5
	Clearance	0
7. Secondary and service.	Excessive length	3
	Clearance, insulation	0
8-11. Line regulator, distribution transformer, oil circuit recloser, and sectionalizer.	Installation, tank, Bushing	1
12. Airbreak switch	Bushing	1
	Handle properly grounded	0

[1] Side trimming is applicable only to distribution line.
[2] All deficient items are considered abnormal deferred maintenance.

TABLE 5

PERCENT OF DEFICIENT UNDERGROUND PLANT ITEMS ALLOWABLE BEFORE ABNORMAL DEFERRED MAINTENANCE IS ASSUMED

Item	Condition	Percent
Pad-mounted equipment.	Doors acceptably secured	[1]0
	Enclosures in good condition.	1
	Enclosure sides free of earth.	0
	Pads and foundations sound.	1
	Energized parts insulated or covered.	0
Aboveground pedestals.	Properly locked	0
	Energized connectors insulated.	0
	Plumb	1
Below-grade equipment	Tanks in good condition.	0.5
	Enclosures tidy	2
	Sacrificial anode adequate.	0.5
	Cables clear	1
	Cover or grating flush and in good condition.	1
Bonding	Cable neutral properly bonded.	0.5

[1] All deficient items are considered abnormal deferred maintenance.

Dated: October 13, 1971.

JAMES N. MYERS,
Assistant Administrator-Electric.

[FR Doc.71-15216 Filed 10-19-71;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

POWERED INDUSTRIAL TRUCKS

Proposed Temporary Suspension for Certain Standards

A petition has been filed with the Assistant Secretary of Labor for Occupational Safety and Health on behalf of Cushman Motors, a division of Outboard Marine Corp., Lincoln, Nebr. The petition asks for an amendment of Part 1910 of Title 29, Code of Federal Regulations, in order to change the effective date of § 1910.178(a) from August 27, 1971, to February 15, 1972.

The petition is addressed to two specific provisions of § 1910.178(a) that have an indirect impact on manufacturers of powered industrial trucks. These are:

1. A requirement that the vehicles must be manufactured in conformity with the American National Standards Institute standard B56.1–1969 (§ 1910.178(a)(2); and

2. The trucks must bear a label or other identifying mark indicating approval by a testing laboratory (§ 1910.178(a)(3)).

The petitioner asserts that it will be unable to comply with ANSI B56.1–1969 until at least the end of the calendar year 1971. The petitioner further asserts

that a testing laboratory has been retained to perform the testing for approval or listing as required by § 1910.178(a)(3) but it will be at least another month before this can be accomplished. The petitioner submits that it is its understanding that other manufacturers have not been aware of the requirements of § 1910.178(a) and have yet to evaluate its applicability to their vehicles for sales to employers subject to the act, and that such manufacturers will require the additional time to achieve compliance therewith.

No other change in the application of § 1910.178 is requested.

Interested persons are hereby invited to submit written data, views, or arguments on the issue of whether under sections 6(a) and 8(g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 659) the application of § 1910.178(a)(2) and (3) should be suspended until February 15, 1972. Such written data, views, or arguments should be submitted to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210, within 15 days following publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of October 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-15241 Filed 10-19-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

XYLITOL

Proposed Revocation of Food Additive Regulation

An order published in the FEDERAL REGISTER of February 1, 1963 (28 F.R. 968), provided for the addition of xylitol to nonstandardized marmalade and jams for special dietary uses (21 CFR 121.1114). This regulation, by an order published in the FEDERAL REGISTER of July 31, 1963 (28 F.R. 7777), was amended, in part, by broadly extending the use of xylitol to foods for special dietary uses.

Reports in scientific literature and other available information indicate that adverse effects were found in cases following intravenous administration of xylitol to humans. Although it is recognized that the effects of intravenous infusion cannot be directly correlated with the effects of orally administered compounds, the data is sufficient to conclude that unlimited use of xylitol in special dietary foods is no longer warranted. It is also reported that xylitol is not now being used in food products marketed in the United States.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409 and 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348 and 371(a), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 121 be amended by revoking § 121.1114 *Xylitol.*

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15229 Filed 10-19-71;8:45 am]

[21 CFR Part 165]

HABIT-FORMING DRUGS

Proposed Revocation of Exemption of Paregoric From Prescription Requirement

Paregoric is a camphorated tincture of opium containing approximately 2 grains of opium per fluid ounce. It is presently exempt from the prescription dispensing requirements of section 503(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act under § 165.5(a)(1) of the habit-forming drug regulations (21 CFR 165.5(a)(1)). Abuse of paregoric by addicts who process it into a form for intravenous administration is well known and well documented in medical literature. Because of the abuse potential of paregoric, 33 States and the District of Columbia have restricted its distribution to prescription sale. Because of this abuse potential, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, has recommended considering the limitation of paregoric to prescription sale. In view of the above information, the Commissioner of Food and Drugs concludes that it is in the public interest for paregoric to be restricted to prescription sale and therefore to be labeled with the statement, "Caution: Federal law prohibits dispensing without prescription" as required by section 503(b)(4) of the act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (a) and (f), 503(b), 701(a); 52 Stat. 1050–52 as amended, 1055; 21 U.S.C. 352 (a) and (f), 353(b), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 165.5(a):

1. By deleting subparagraph (1).

2. By redesignating subparagraphs (2) through (5) as (1) through (4), respectively.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 13, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15320 Filed 10-19-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 26]

[CGFR 71-114]

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONES

Notice of Proposed Rule Making

The Coast Guard is considering amending Title 33 of the Code of Federal Regulations to implement the provisions of the "Vessel Bridge-to-Bridge Radiotelephone Act".

The proposed regulations require the transmission of a vessel's intentions in certain navigational situations and limits other transmissions to those necessary for safe navigation. The proposal also requires that the person maintaining the listening watch under the act must be able to transmit and receive messages in English. The proposed regulations prescribe the procedures for obtaining an exemption from the provisions of the act or the regulations.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the U.S. Coast Guard (MVI), 400 Seventh Street SW., Washington, DC 20590. Communications should identify the notice number, CGFR 71–114, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Monday, November 15, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before November 30, 1971, or at the hearing will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8300, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before

and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

Therefore, it is proposed that Subchapter A of Title 33 of the Code of Federal Regulations be amended by adding Part 26, to read as follows:

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONES

Sec.
26.01 Purpose and applicability.
26.02 Definitions.
26.11 Radiotelephone required.
26.12 Use of radiotelephone.
26.13 Maintenance of radiotelephone; failure of radiotelephone.
26.14 Use of designated frequency.
26.15 Transmissions.
26.20 English language.
26.25 Exemptions.

AUTHORITY: The provisions of this Part 26 issued under 85 Stat. 164; 49 CFR 1.46(o)(2).

§ 26.01 Purpose and applicability.

This part prescribes rules that apply to vessels, dredges, and floating plants that are subject to the Vessel Bridge-to-Bridge Radiotelephone Act; to masters and persons in charge of vessels subject to that Act; and to persons designated by the master or person in charge of a vessel subject to that Act to pilot or direct the movement of a vessel.

§ 26.02 Definitions.

For the purpose of this part—

"Act" means the "Vessel Bridge-to-Bridge Radiotelephone Act";

"Power-driven vessel" means any vessel propelled by machinery; and

"Towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

§ 26.11 Radiotelephone required.

(a) Unless an exemption is granted under § 26.25, section 4 of the Act requires that—

(1) Every power-driven vessel of 300 gross tons and upward while navigating;

(2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(3) Every towing vessel of 26 feet or over in length while navigating; and

(4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navgational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by paragraph (a) of this section shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

§ 26.12 Use of radiotelephone.

Section 5 of the Act states—

The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

§ 26.13 Maintenance of radiotelephone; failure of radiotelephone.

Section 6 of the Act states—

Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

§ 26.14 Use of designated frequency.

No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act (156.65 MHz) to transmit any information other than navigational information.

§ 26.15 Transmissions.

(a) Each person who is required to maintain a listening watch under section 5 of the Act shall transmit, on the designated frequency, the intentions of his vessel before it—

(1) Approaches in close proximity to another vessel;

(2) Enters a confined waterway from a slip, anchorage, mooring or secondary waterway and another vessel is in close proximity or if an approaching vessel could not be seen;

(3) Approaches a bend or curve in a channel where an approaching vessel could not be seen;

(4) Takes on or discharges a pilot, when another vessel is in close proximity, or;

(5) Enters a congested waterway when carrying a cargo of a particular hazard as listed in § 124.14(b) of this chapter.

(b) Any person who is required to maintain a listening watch under section 5 of the Act may transmit any other information necessary for the safe navigation of vessels.

§ 26.20 English language.

No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act unless he can transmit and receive in the English language.

§ 26.25 Exemptions.

(a) Any person may petition for an exemption from any provision of the Act or this part.

(b) Each petition must be submitted in writing to U.S. Coast Guard (MVI), 400 Seventh Street SW., Washington, DC 20590, and must state—

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted or how a local communication system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

Dated: October 14, 1971.

T. R. SARGENT,
Acting Commandant.

[FR Doc.71-15255 Filed 10-19-71;8:49 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11449]

HAWKER SIDDELEY MODEL DH-114, SERIES 2 "HERON" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Model DH-114, Series 2 "Heron" airplanes. There have been reports of cracks and fractures of the main and damper jack attachment bolts, P/N 14-2U.229, in the main under carriage, which could result in a malfunction of the main landing gear extension and retraction system. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require periodic inspection of the main and damper jack attachment bolts for cracks and replacement as necessary on Hawker Siddeley DH-114, Series 2 "Heron" airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before November 19, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of the comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION. Applies to Model DH-114 "Heron" Series 2 airplanes.

Compliance is required as indicated.

To prevent failures of the main under carriage main and damper jack attachment bolts, P/N 14-2U.229 and P/N 14-2U.631, accomplish the following:

(a) For airplanes with main under carriage units that have any P/N 14-2U.229 main and damper jack attachment bolts installed, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 150 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, remove and visually inspect the attachment bolts for cracks.

(b) For airplanes with main under carriage units that have only P/N 14-2U.631 (Modification 1536) main and damper jack attachment bolts installed, within the next 1,200 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,200 hours' time in service, and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, remove and visually inspect the attachment bolts for cracks.

(c) If any bolt is found to be cracked during an inspection required by paragraph (a) or (b), before further flight replace the cracked bolt in accordance with subparagraph (1) or (2):

(1) Replace a cracked bolt, P/N 14-2U.229 with either a serviceable bolt of the same part number and continue to inspect in accordance with paragraph (a), or replace with a serviceable bolt, P/N 14-2U.631 (Modification 1536), and inspect in accordance with paragraph (b).

(2) Replace a cracked bolt, P/N 14-2U.631 (Modification 1536), with a serviceable bolt of the same part number and continue to inspect in accordance with paragraph (b).

(Hawker Siddeley Technical News Sheet, Series Heron (114) No. U. 8, issue 2, dated April 13, 1970, pertains to this subject).

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 13, 1971.

JAMES F. RANDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-15246 Filed 10-19-71;8:47 am]

Federal Railroad Administration

[49 CFR Part 232]

[Docket No. PB-5, Notice 2]

POWER BRAKE INSPECTION OF UNIT AND RUN-THROUGH TRAINS

Notice of Proposed Rule Making

The Federal Railroad Administration (FRA) is considering amendment of Part 232 of Title 49, Code of Federal Regulations. The proposed amendment would add a new § 232.19 to prescribe power brake inspections and tests for (1) run-through trains interchanged between two or more carriers with no change in consist other than the addition or deletion of a solid block of cars, and (2) unit trains which operate on a continuous round trip cycle over more than one railroad and consist of assigned equipment.

By notice published April 28, 1971 (36 F.R. 7970), FRA announced that it had decided to make unit and run-through train brake inspections and tests the subject of a separate rule making proceeding, FRA Docket No. PB-5. The notice invited public participation in the development of this rule and solicited proposals concerning brake inspections and tests required for the safe operation of these trains. Specific advice was requested from the public on eight topics. Several comments and proposals were received and were considered by the FRA in the development of this proposed rule.

The principal features of the proposed amendment are as follows:

1. Run-through trains must be tested at the points where they are made up (initial terminal) in accordance with the present requirements of § 232.12(a)-(h) (redesignated § 232.12(c)-(j)). This test must be repeated at intermediate points not more than every 500 miles thereafter, except that piston travel need not be adjusted unless it exceeds the limits prescribed in proposed § 232.19(e).

2. Unit trains must be tested when they are made up (initial terminal) and during each round trip cycle in accordance with the present requirements of § 232.12(a)-(h) (redesignated § 232.12 (c)-(j)). This test must also be repeated at intermediate points not more than 500 miles apart, except that piston travel need not be adjusted unless it exceeds the limits prescribed in proposed § 232.19(e).

3. Initial terminal and intermediate point brake tests of unit and run-through trains must be performed by trained and qualified carrier personnel at locations where adequate facilities are available to make the necessary repairs, and recorded on the prescribed FRA form [1] with a copy thereof placed in the locomotive cab.

4. At points where the crew of one carrier takes over control and operation of a run-through or unit train from the crew of another carrier, the train must be inspected to determine that the locomotive cab contains the prescribed FRA form, brake pipe leakage does not exceed 5 pounds per minute, and that the brakes apply and release on the rear car from a 20-pound service brake pipe pressure reduction. If the locomotive cab does not contain the prescribed FRA form, the train must be tested in accordance with the present requirements of § 232.12(a)-(h) (redesignated § 232.12 (c)-(j)) before it proceeds.

The FRA believes that the proposed amendment will increase safety of operation of run-through and unit trains by assuring higher quality brake tests. Safety will also be improved by no longer requiring repetition of the § 232.12 initial terminal road train brake test at congested interchange points where the performance of this lengthy test is a hazardous undertaking for carrier employees.

Interested persons are invited to participate in making the proposed rule by submitting written data, views, or arguments. Communications should be submitted to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. PB-5, 400 Seventh Street SW., Washington, DC 20591. All comments received on or before November 22, 1971, will be considered by the Administrator before taking action on the proposed rule. All written comments received will be available for examination by interested persons. The docket may be examined any time during regular business hours in Room 5100, 400 Seventh Street SW., Washington, DC 20591.

In consideration of the foregoing, it is proposed to amend Part 232 by amending § 232.12 and adding a new § 232.19 as set forth below.

These amendments are proposed under the authority of section 9, title 45, United States Code.

Issued in Washington, D.C., on October 13, 1971.

JOHN W. INGRAM,
Administrator.

§ 232.12 Initial terminal road train air-brake tests.

(a) Except as provided in § 232.19 of this part, each train must be inspected and tested as specified in this section at points—

(1) Where a train is originally made up (initial terminal);

(2) Where train consist is changed, other than by adding or removing a solid block of cars, and the train brake system remains charged; and,

(3) Where a train is received in interchange.

(b) Each carrier shall designate additional inspection points not more than 500 miles apart where intermediate inspection will be made to determine that—

(1) Brake pipe pressure leakage does not exceed 5 pounds per minute;

(2) Brakes apply on each car in response to a 20-pound service brake pipe pressure reduction; and,

(3) Brake rigging is properly secured and does not bind or foul.

(c) Train airbrake system must be charged to required air pressure, angle cocks and cutout cocks must be properly positioned, air hose must be properly coupled and must be in condition for service. An examination must be made for leaks and necessary repairs made to reduce leakage to a minimum. Retaining valves and retaining valve pipes must be inspected and known to be in condition for service. If train is to be operated in electropneumatic brake operation, brake circuit cables must be properly connected.

(d) (1) After the airbrake system on a freight train is charged to within 15 pounds of the setting of the feed valve on the locomotive, but to not less than 60 pounds, as indicated by an accurate gage at rear end of train, and on a passenger train when charged to not less

[1] Form FRA F-6180-48 filed as part of the original document.

than 70 pounds, and upon receiving the signal to apply brakes for test, a 15 pound brake pipe service reduction must be made in automatic brake operation, the brake valve lapped, and the number of pounds of brake pipe leakage per minute noted as indicated by brake pipe gage, after which brake pipe reduction must be increased to full service. Inspection of the train brakes must be made to determine that angle cocks are properly positioned, that the brakes are applied on each car, that piston travel is correct, that brake rigging does not bind or foul, and that all parts of the brake equipment are properly secured. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(2) When a passenger train is to be operated in electropneumatic brake operation and after completion of test of brakes as prescribed by subparagraph (1) of this paragraph the brake system must be recharged to not less than 90 pounds air pressure, and upon receiving the signal to apply brakes for test, a minimum 20 pound electropneumatic brake application must be made as indicated by the brake cylinder gage. Inspection of the train brakes must then be made to determine if brakes are applied on each car. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(3) When the locomotive used to haul the train is provided with means for maintaining brake pipe pressure at a constant level during service application of the train brakes, this feature must be cut out during train airbrake tests.

(e) Brake pipe leakage must not exceed 5 pounds for minute.

(f) (1) At initial terminal piston travel of body-mounted brake cylinders which is less than 7 inches or more than 9 inches must be adjusted to nominally 7 inches.

(2) Minimum brake cylinder piston travel of truck-mounted brake cylinders must be sufficient to provide proper brakeshoe clearance when brakes are released. Maximum piston travel must not exceed 6 inches.

(3) Piston travel of brake cylinders on freight cars equipped with other than standard single capacity brake, must be adjusted as indicated on badge plate or stenciling on car located in a conspicuous place near brake cylinder.

(g) When test of airbrakes has been completed, the engineman and conductor must be advised that train is in proper condition to proceed.

(h) During standing test, brakes must not be applied or released until proper signal is given.

(i) (1) When train airbrake system is tested from a yard test plant, an engineer's brake valve or a suitable test device must be used to provide increase and reduction of brake pipe air pressure or electropneumatic brake application and release at the same or a slower rate as with engineer's brake valve and yard test plant must be connected to the end which will be nearest to the hauling road locomotive.

(2) When yard test plant is used, the train airbrake system must be charged and tested as prescribed by paragraphs (c) to (g) of this section inclusive, and when practicable should be kept charged until road motive power is coupled to train, after which, an automatic brake application and release test of airbrakes on rear car must be made. If train is to be operated in electropneumatic brake operation, this test must also be made in electropneumatic brake operation before proceeding.

(3) If after testing the brakes as prescribed in subparagraph (2) of this paragraph the train is not kept charged until road motive power is attached, the brakes must be tested as prescribed by paragraph (d) (1) of this section and if train is to be operated in electropneumatic brake operation as prescribed by paragraph (d) (2) of this section.

(j) Before adjusting piston travel or working on brake rigging, cutout cock in brake pipe branch must be closed and air reservoirs must be drained. When cutout cocks are provided in brake cylinder pipes, these cutout cocks only may be closed and air reservoirs need not be drained.

§ 232.19 Run-through and unit train air brake tests.

(a) (1) A run-through train is a train which passes from one carrier to another carrier with no change in consist (including locomotive), other than the addition or removal of a block of cars.

(2) A unit train is a run-through train which is operated by more than one carrier on a continuous round trip cycle and consists of assigned equipment.

(b) Each rail carrier must notify the Federal Railroad Administration of all run-through and unit trains operating over its tracks. This notification must—

(1) identify each run-through and unit trains by identification symbol or designation, and

(2) Describe the run-through or unit train operation including points of origin, interchange and destination, route, frequency and times of operation, crew change points, and equipment and airbrake inspection points.

(c) Except as provided in paragraph (e) of this section, each run-through train and each block of cars added after the train is originally made up, shall be inspected and tested as prescribed by paragraphs (c)–(j) of § 232.12—

(1) At the point where the train is originally made up or a block of cars is added to the train; and

(2) At intermediate inspection points not more than 500 miles apart.

(d) Each unit train shall be inspected and tested as prescribed by paragraphs (c)–(j) of § 232.12—

(1) At the point where it is made up;

(2) At intermediate inspection points not more than 500 miles apart; and

(3) During each round trip cycle at an inspection point designated in writing by the carrier and approved in writing by the Federal Railroad Administration.

(e) For the purpose of the intermediate inspections and tests required by paragraphs (c) (2) and (d) (2) of this section—

(1) Piston travel of a body-mounted 10-inch brake must not exceed 10 inches; and

(2) Piston travel on all other brakes—

(i) Must not exceed the nominal travel specified by more than 2 inches; and

(ii) Must not exceed the maximum travel specified by the badge plate or stencil on the car.

(f) The inspections and tests required by paragraphs (c) and (d) of this section must be—

(1) Performed by trained and qualified carrier personnel at locations where adequate repair facilities are available to maintain power brake systems and safety appliances in conformity with the Safety Appliance Act and this part; and

(2) Recorded by completing Form FRA F–6180–48 at the time of the inspection and test and placing a copy in the cab of the locomotive.

(g) At locations where the crew of one carrier takes over control and operation of a unit or run-through train from the crew of another carrier, the receiving carrier shall inspect and test the train to determine that—

(1) The cab of the locomotive contains a Form FRA F–6180–48 completed in accordance with paragraph (f) (2) of this section;

(2) Brake pipe leakage does not exceed 5 pounds per minute; and

(3) Brakes apply and release on the rear car from a 20-pound service brake pipe pressure reduction.

If the cab of the locomotive does not contain a completed Form FRA F–6180–48, the train must be inspected and tested as prescribed by paragraphs (c)–(j) of § 232.12 before it proceeds.

[FR Doc.71–15230 Filed 10–19–71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 23904]

TRANSPORTATION OF PHYSICALLY DISABLED PERSONS

Advance Notice of Proposed Rule Making

OCTOBER 14, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend Parts 221 and 399 of the regulations of the Board (14 CFR Parts 221 and 399) so as to provide for terms and conditions governing air transportation of physically disabled persons.

This advance notice of proposed rule making is being issued to invite participation by the industry, interested governmental agencies, physically disabled passengers and their individual or organizational representatives, as well as the general public, in the Board's efforts to determine the scope of the problem,

to decide whether the promulgation of rules is appropriate, and, if so, the content of such rules. If, in the Board's view, comments received indicate that further action is warranted, the Board may then pursue one or more of several alternatives courses of action, including (1) issuing a suplemental notice of rule making with proposed rules, (2) reopening the proceeding in which it approved the ATC agreement dealing with interline acceptance criteria for disabled persons under section 412 of the Act, (3) instituting evidentiary proceedings under section 1002(b) of the Act, and (4) referring the matter to the Department of Transportation under section 1111 of the Act.

Interested persons may participate in this rule making proceeding by submitting twelve (12) copies of written data, views, or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 20, 1971, will be considered by the Board before taking final action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

It has been some time since the Board reviewed carrier tariff rules and practices with respect to the transportation of physically disabled persons. In 1962, the Board approved an agreement among various air carriers which provides certain criteria for the interline transportation of physically handicapped persons.[1] In approving the agreement, the Board found that formulation of uniform criteria of acceptability would tend to diminish the problems previously encountered by interline physically handicapped persons. However, the Board expressed no view on the lawfulness of the carriers' governing tariff rule under which certificated air carriers and foreign air carriers may refuse to accept any person whose conduct, status, age, or mental or physical condition is such as to render him incapable of caring for himself without assistance, unless the person is accompanied by an attendant for the duration of the flight.[2]

During the past several months, however, the Board has received an increasing volume of letters from disabled persons, disabled veterans' groups, and other organizations, which express dissatisfaction with the carriers' handling of paraplegics, quadraplegics, and other classifications of disabled persons, including in particular several informal complaints reciting incidents where the alleged refusals by air carriers to accept disabled persons for carriage would appear to have been unjustified under a reasonable interpretation and application of the existing tariff rule.

While some of the complaints and letters received raise issues of unjust discrimination and undue prejudice under the Federal Aviation Act of 1958, it is not really clear whether the problems encountered by handicapped persons in arranging air travel stem principally from the existing tariff rule itself or from the lack of uniformity in its interpretation and application by different carriers, and even by different employees of the same carrier, resulting from the absence of reasonably clear standards to govern the acceptability of disabled passengers. Certainly the text of the joint tariff rule and the criteria set forth in the interline agreement make it very difficult for the originating air carrier to avoid subjective decisions as to whether a disabled person is, in fact, able to travel unattended or whether such person will require special in-flight attention. Moreover, in light of the major achievements in therapy and training of physically handicapped persons, enabling many disabled persons to function independently and with a degree of physically dexterity, it is indeed—and might inevitably continue to be—a formidable task to fashion precise rules covering air transportation of disabled persons by category of disability. We therefore think it appropriate at this time for the Board to reexamine the subject of air transportation for physically handicapped persons, in order to attempt to determine whether rule making in this area is warranted and, if so, the content and scope of any such proposed rules.

We have also received a petition for rule making filed by the Aviation Consumer Action Project (ACAP), a consumer group. The petition requests amendment of the Board's regulations to "prohibit discrimination in air transportation against physically disabled and crippled persons" and includes a set of proposed rules which petitioner asserts will achieve this purpose.[3] In support of its petition, ACAP asserts, inter alia, (1) that the carriers' tariff rules concerning air transportation of disabled persons are arbitrary and unjustly discriminatory under the terms of the Act, (2) the assessment of a "double fare" against a disabled person is discriminatory because a disabled passenger alone does not occupy more space in the aircraft than any other passenger, (3) air carriers have no right to require a disabled person to have an attendant, particularly where fellow passengers offer to aid the disabled person during the flight, and (4) there is no rational basis for a carrier to refuse transportation to a disabled person on the ground of "comfort" to other passengers.[4]

Although the petition of ACAP raises some very fundamental questions with regard to the duty of air carriers to provide transportation for disabled persons and the appropriate fares or other charges which should be levied for such transportation, it is not clear that the petition makes a prima facie showing of unjust discrimination. To begin with, while certificated air carriers have a duty to furnish air transportation to all persons upon reasonable request therefor, that duty is not absolute. Thus, the courts have long recognized that a carrier may refuse to receive as passengers persons who are sick or infirm unless they are accompanied by someone competent to afford them the required assistance in case of need.[5] The policy of this rule is intended not only to assure the health and safety of other passengers but to protect the disabled person against the risk of serious injury while in transit. Moreover, there are safety problems unique to air travel, particularly with regard to emergency evacuation of the aircraft. For example, in a crash emergency, a sick or infirm passenger might not be able to follow the procedures established for the expeditious evacuation of the aircraft, thus placing his own life in danger and imperiling the lives of other passengers as well. For these reasons, the Board has not heretofore challenged the judgment of those carriers which have declined to carry disabled passengers without an attendant.[6]

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[1] Agreement CAB 16614, approved in Order E-19154, Dec. 31, 1962. The agreement states, inter alia, that acceptance of physically handicapped passengers for air transportation by the parties to the agreement will be determined in accordance with certain "lay criteria" and, in particular circumstances, "medical criteria" as set forth therein. In brief, the "lay criteria" provide that a member carrier will not accept as passengers persons who have "malodorous conditions, gross disfigurement, or contagious diseases, or persons who cannot take care of their physical needs without an attendant." The "medical criteria" are stated to be those criteria contained in a report entitled "Medical Criteria for Passenger Flying" published in certain periodicals and incorporated therein by reference. The agreement also classifies the physically handicapped and indicates by class which criteria are to be used in gauging acceptability.

[2] Airline Tariff Publishers, Inc., Agent, Rules Tariff, PB-6, CAB 142, Rule 15(a)(2).

[3] The rules proposed by ACAP would among other things require all certificated air carriers and foreign air carriers (1) to furnish air transportation to all physically disabled persons, whether or not such persons are accompanied by an attendant, and (2) where an attendant does accompany a disabled person, to provide transportation to such attendant at a charge of one-half the fare paid by the disabled passenger.

[4] ACAP also contends that the carrier's tariff rules arbitrarily disqualify disabled persons from the benefits of "denied boarding" compensation under Part 250 of the Board's regulations. However, Part 250 does not seem to be apposite. Under Part 250 (14 CFR 250) carriers are required to pay denied boarding compensation only where a passenger holding confirmed reserve space on a flight is denied boarding because the flight is oversold and certain other criteria, not relevant here, are satisfied.

[5] See, *e.g.*, Casteel v. American Airways, Inc., 88 S.W. 2d 976 (1935), Croom v. Chicago M. & St. P. RR. Co., 53 N.W. 1128 (1893) and Yazoo & M. Valley RR. Co. v. Littleton, 5 S.W. 2d 930 (1923).

[6] Indeed, section 1111 of the Federal Aviation Act expressly provides: "Subject to reasonable rules and regulations prescribed by the Secretary of Transportation, any air carrier is authorized to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight."

As previously indicated, the Board intends hereby to undertake exploratory evaluation of the subject of air travel by disabled persons. Recognizing the numerous and complex issues involved in fashioning a rule adequately to deal with the subject, we have decided to approach the matter by the more preliminary procedure of an advance notice of rule making. For the same reason we have not proposed any specific rules, but would invite comment on any or all of the following questions.

1. Do or should air carriers and foreign air carriers have a duty to provide transportation to physically disabled persons, whether or not that person is accompanied by an attendant?

2. What conditions may or should a carrier reasonably impose on the transportation of physically disabled persons? In this connection:

(a) How should "disabled person" be defined?

(b) Are there paraplegics, quadriplegics, and other classifications of disabled persons who are able to travel by air without an attendant?

(c) How can a carrier distinguish between a disabled person able to travel independently and a person not able to do so?

(d) May or should a carrier require a medical release from a disabled person prior to accepting him for carriage?

(e) Should a carrier be permitted to limit the number of disabled passengers on any given flight?

3. Is the charging of a full fare to an attendant accompanying a disabled person unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such attendant? In this connection, how should "attendant" be defined?

4. Do air carriers have a duty to provide stretcher passenger service?

5. Are the current air carrier tariffs, which provide for the charging of multiple fares for a stretcher passenger, unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such passenger?

[FR Doc.71-15266 Filed 10-19-71;8:49 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[71-973]

FEDERAL SAVINGS AND LOAN SYSTEM

Real Estate Loans

SEPTEMBER 23, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) relating to real estate loans by Federal savings and loan associations, for the following purposes:

1. To revise the definition of "installment loan" and to add a definition of "partially amortized monthly installment loan" and of "variable-payment monthly installment loan."

2. To increase the maximum loan-to-value ratio from 75 to 80 percent and the maximum loan term from 25 to 30 years for loans secured by "other dwelling units."

3. To authorize loans on the security of "other dwelling units" and "other improved real estate" to be made on a partially amortized basis as described in the proposed definition of "partially amortized monthly installment loan."

4. To authorize loans on the security of "single-family dwellings" and "homes" to be made on a variable-payment basis as described in the proposed definition of a "variable-payment monthly installment loan."

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 541 and 545 as follows:

1. Amend said Part 541 by revising § 541.14 to read as follows:

§ 541.14 Installment loan; partially amortized installment loan; variable-payment installment loan.

(a) *Installment loan.* The term "installment loan" means any loan repayable in equal, or substantially equal, regular periodic payments which include both principal and interest, beginning within not more than 60 days after disbursement of the loan proceeds, sufficient to amortize the entire loan, principal and interest, within the loan term.

(b) *Variable-payment monthly installment loan.* The term "variable-payment monthly installment loan" means any loan which meets the following requirements:

(1) The loan is repayable in regular monthly payments which include both principal and interest on the unpaid principal balance;

(2) The initial payment is due not more than 60 days after disbursement of the loan proceeds;

(3) Not more than 10 percent nor less than 1 percent of the original principal amount of the loan is required to be amortized in any one year, except at the end of the loan term; and

(4) The required periodic payments are sufficient to amortize at least 60 percent of the original principal amount of the loan, including all interest due thereon, within the loan term, with any unamortized portion of the principal due in a lump sum at the end of the loan term.

(c) *Partially amortized monthly installment loan.* The term "partially amortized monthly installment loan" means any loan which is repayable in full in a lump sum at the end of a loan term of not less than 10 nor more than 15 years, but which requires partial amortization during the loan term by regular monthly payments which include both principal and interest, beginning within not more than 60 days after disbursement of the loan proceeds. Such monthly payments may not be fixed at less than the amount of the monthly payment which would be required to amortize an entire loan of the same amount, principal and interest, within a 30-year loan term.

2. Amend said Part 545 by revising subparagraph (2) of paragraph (a) of § 545.6-1, and subparagraphs (1) and (2) of paragraph (b) thereof, and by adding a new subparagraph (6) to paragraph (c) thereof, to read as follows:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

(a) *Homes or combination of homes and business property.* * * *

(2) *Other installment loans*—(i) *Fully amortized loans.* Loans that such an association may make on a monthly installment basis may also be made with interest payable at least semiannually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 15 years: *Provided,* That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(ii) *Variable-payment monthly installment loans.* Variable-payment monthly installment loans may be made on homes or combinations of home and business property for an amount not in excess of 80 percent of the value thereof and for a term of not more than 25 years.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6-7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 80 percent) of the value thereof, repayable monthly within 30 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency. Such installment loan may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (3) (ii) of this paragraph, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction.

(2) *Other installment loans*—(i) *Fully amortized loans.* Loans that such an association may make on a monthly installment basis may also be made with interest payable at least semiannually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 15 years: *Provided,* That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(ii) *Partially amortized loans.* Partially amortized monthly installment loans may be made in an amount not in

excess of 80 percent of the value of the real estate.

* * * * *

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the terms of its charter, make loans on other improved real estate, as defined in paragraph (a) of § 541.12 of this chapter, to the extent authorized by this paragraph (c):

* * * * *

(6) A partially amortized monthly installment loan may be made in an amount not in excess of 75 percent of the value of the real estate.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by November 19, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71–15262 Filed 10–19–71;8:49 am]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVANCE COATING CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2B2734) has been filed by Advance Coating Co., Depot Road, Westminster, Mass. 01473, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of tris (para tertiary butyl phenyl) phosphate as a plasticizer in adhesives used as components of articles intended for use in packaging, transporting, or holding food.

Dated: October 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-15231 Filed 10-19-71;8:45 am]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2B2729) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of isophthalic acid as a reactant in the manufacture of polyamide-epichlorohydrin water-soluble, thermosetting resins for use as components of paper and paperboard in contact with aqueous and fatty foods.

Dated: October 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-15232 Filed 10-19-71;8:46 am]

HAZLETON LABORATORIES

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2A2735) has been filed by Hazleton Laboratories, 9200 Leesburg Turnpike, Vienna, Va. 22180, proposing the issuance of a food additive regulation to provide for the safe use of an extract produced by reaction of yeast and malt sprouts intended for use as a flavor enhancer in food.

Dated: October 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-15233 Filed 10-19-71;8:46 am]

LILY PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Lily Products Co., 324 East Pima Street, Phoenix, Ariz. 85004, has withdrawn its petition (FAP 8H2286), notice of which was published in the FEDERAL REGISTER of November 11, 1969 (34 F.R. 18141), proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution of chlorine dioxide as a sanitizing solution on food-processing equipment and utensils.

Dated: October 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-15234 Filed 10-19-71;8:46 am]

MALLINCKRODT CHEMICAL WORKS

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 2A2724) has been filed by Mallinckrodt Chemical Works, Washine Division, Lodi, N.J. 07644, proposing the issuance of a food additive regulation to provide for the safe use of octyl gallate as a preservative in fermented malt products.

Dated: October 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-15235 Filed 10-19-71;8:46 am]

[DESI 9418]

CERTAIN DRUGS CONTAINING PENTAERYTHRITOL TETRANITRATE IN COMBINATION WITH RAUWOLFIA ALKALOIDS, MEPROBAMATE, OR HYDROXYZINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for oral use:

1. Pentoxylon Tablets, containing pentaerythritol tetranitrate and alseroxylon; Riker Laboratories, Inc., 19901 Nordhoff Street, Northridge, Calif. 91326 (NDA 9-418).

2. Nitralox Tablets, containing pentaerythritol tetranitrate and alseroxylon; Dorsey Laboratories, Division of Sandoz-Wander, Inc., Northeast U.S. 6 and Interstate 80, Lincoln, Nebr. 68501 (NDA 10-084).

3. Pentaserpine Tablets and Pentaserpine "20" Tablets, containing pentaerythritol tetranitrate and reserpine; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10-245).

4. Respet Tablets, containing pentaerythritol tetranitrate and reserpine; Westerfield Laboratories, Inc., 3941 Brotherton Road, Cincinnati, Ohio 45209 (NDA 11-129).

5. Equanitrate 10 and Equanitrate 20 Tablets, containing pentaerythritol tetranitrate and meprobamate; Wyeth Laboratories, Inc., Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11-423).

6. Miltrate Tablets, containing pentaerythritol tetranitrate and meprobamate; Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512 (NDA 11-502).

7. Cartrax 10 and Cartrax 20 Tablets, containing pentaerythritol tetranitrate and hydroxyzine hydrochloride; J. B. Roerig Division, Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 10-998).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that drugs containing pentaerythritol tetranitrate in combination with rauwolfia alkaloids, meprobamate, or hydroxyzine hydrochloride are possibly effective for the management or treatment of angina pectoris, angina decubitis, precordial pain, and status anginosus; and lack substantial evidence of effectiveness when labeled for use in hypertension, palpitations, tachycardia, cardiac insufficiency, anxiety, and tension.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for which a drug is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application,

as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9418, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended: 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–15245 Filed 10–19–71;8:47 am]

[DESI 6139]

CERTAIN PREPARATIONS CONTAINING CYCLOMETHYCAINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing cyclomethycaine and marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana:

Surfacaine Cream, Surfacaine Jelly, and Surfacaine Ointment (NDA 6–139).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Cyclomethycaine cream and ointment are possibly effective for their labeled indications for the temporary relief of minor sunburn and burn, superficial skin lesions, and nonpoisonous insect bites.

2. Cyclomethycaine jelly is effective for those indications, described in literature directed to the physician, related to examination and instrumentation by or under the supervision of practitioners licensed by law, i.e., for use as a topical anesthetic and lubricant on nontraumatized, accessible mucous membranes prior to such procedures. For all other labeled indications, the jelly is regarded as possibly effective.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. In view of the fact that cyclomethycaine jelly is now regarded as effective only for certain uses by or under the supervision of a licensed practitioner, the over-the-counter status of that preparation will depend upon data received in support of the drug in conditions for which self-medication may be appropriate. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness for the possibly effective indications, procedures will be initiated to withdraw approval of those parts of the new-drug application providing for such indications pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of those parts of the application will cause any such drugs on the market with labeling bearing such indications to be new drugs for which approval is not in effect.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference No. DESI 6139, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 13, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–15237 Filed 10–19–71;8:46 am]

[DESI 4890]

CERTAIN TOPICAL PREPARATIONS CONTAINING ANESTHETICS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Tronothane Cream and Sterile Jelly, containing pramoxine hydrochloride; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 8–834).

2. Hexathricin Aerospra, containing hexadenol, chloroxylenol, benzethonium chloride and benzocaine; Lincoln Laboratories, Inc., Hickory Point Road, Box 1139, Decatur, Ill. 62525 (NDA 9–004).

3. Caligesic Ointment, containing calamine, benzocaine, and hexylated *m*-cresol; Quinton Co., Division Merck & Co., Inc., Rahway, N.J. 07065 (NDA 4–890).

4. Surfadil Cream, containing methapyrilene hydrochloride and cyclomethycaine; Eli Lilly and Co., Box 618,

Indianapolis, Ind. 46206 (NDA 6–340).

5. Surfadil Lotion, containing cyclomethycaine sulfate, methapyrilene hydrochloride, and titanium dioxide; Eli Lilly & Co. (NDA 6–340).

6. Surfacaine Compound Cream, containing cyclomethycaine, calamine, zinc oxide, and thimerosal; Eli Lilly & Co. (NDA 6–139).

7. Rhulicream, containing benzocaine, zirconium oxide, menthol, and camphor; Lederle Laboratories Division, American Cyanamid Co., Pearl River, New York 10965 (NDA 8–160).

8. Tronolen Lotion, containing pramoxine hydrochloride, chlorcyclizine hydrochloride, calamine, and zinc oxide; Abbott Laboratories (NDA 9–874).

These drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are possibly effective for the temporary relief of minor pain, itching, or discomfort in sunburn; burns and scalds; minor skin irritations, abrasions, or chafing; nonpoisonous insect bites; or poison ivy, poison oak, and sumac dermatitis.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the Academy's report. Communications forwarded in response to this announcement should be identified with the reference number DESI 4890, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 23, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–15236 Filed 10–19–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71–76B]

AMCHITKA ISLAND, ALASKA

Security Zone; Extension of Effective Date

J. A. Palmer, Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District has extended the effective date of the Security Zone for Amchitka Island, Alaska to continue from the present through 12 Noon, Bering Sea Standard Time, November 16, 1971.

The Security Zone was published in F.R. Doc. 71–11140 (CGFR 71–76) in the August 4, 1971 issue of the FEDERAL REGISTER (36 F.R. 14344). A correction of the Security Zone was published in the Thursday, August 26, 1971 issue of the FEDERAL REGISTER (36 F.R. 16949).

Accordingly, F.R. Doc. 71–11140 (CGFR 71–76), as corrected, is amended by striking the words "Thursday, October 14, 1971" in the first sentence of the Security Zone and inserting "Tuesday, November 16, 1971" in place thereof.

Dated: October 15, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71–15276 Filed 10–19–71;8:49 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

OCTOBER 12, 1971.

Pursuant to Docket No. HM–1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during September 1971:

Special permit No.	Issued to—subject	Mode or modes of transportation
6485	Shippers registered with this Board to ship certain mercaptans in DOT Specification 51 steel portable tanks.	Rail, highway, and water.
6517	Shippers registered with this Board to ship acetylene in non-DOT specification steel cylinders complying with certain features of DOT Specifications 4BW and 8AL.	Rail, highway, and water.
6519	Hercules, Inc., Wilmington, Delaware, to ship a liquid propellant explosive, Class B in an insulated DOT Specification MC–307 or MC–312 tank motor vehicle.	Highway.
6520	E. I. Du Pont De Nemours & Co., Wilmington, Delaware, to ship Detaflex R as Cordeau detonant fuse in DOT Specification 12H fiberboard boxes.	Highway.
6521	John L. Armitage & Co., Newark, New Jersey, to make limited shipments of paint and related materials in non-DOT specification Rule 49 type drums.	Highway.
6523	Shippers registered with this Board to ship sodium carbonate peroxide in tight, sift-proof covered hopper cars.	Rail.
6524	Shippers registered with this Board to ship large quantities of fissile radioactive materials, special form, in the Pioneer Spacecraft System.	Highway, Cargo-only aircraft.
6525	Shippers registered with this Board to ship sodium chlorate in DOT specification 37D steel drums.	Highway.
6526	Shippers registered with this Board to ship methyl bromide, liquid, chlorpicrin liquid or permitted mixtures thereof in DOT Specification 4BW or 4BA steel cylinders with different type valve protections.	Rail, highway.
6527	Oakite Products, Inc., Metuchen, New Jersey, to ship Alkaline caustic liquid, n.o.s. in proposed DOT Specification 56B mild steel portable tanks.	Highway.
6528	Shippers registered with this Board to ship cosmetic aerosol formulation in inside plastic bottles coated with polyvinyl chloride (PVC).	Rail, highway.
6529	Shippers registered with this Board to ship Air (compressed), oxygen, nitrogen, or helium in non-DOT specification welded, steel cylinders, fiberglass wound, with epoxy laminate overwrap.	Rail, highway cargo-only aircraft.
6532	Shippers registered with this Board to ship fissile radioactive materials, n.o.s. in a metal drum type "birdcage" identified as Model KM–1.	Rail, highway, passenger-carrying aircraft, cargo-only aircraft.
6533	Century Welding Equipment Co., Belford, New Jersey, to ship certain compressed gases in DOT–3A, 3AA cylinders having 10-year hydrostatic retest.	Rail, highway.
6534	Denison Oxygen Supply, Denison, Texas, to ship certain compressed gases in DOT–3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, highway.
6535	Shippers registered with this Board to ship large quantities of radioactive materials n.o.s., in the Savannah River Target Tube Cask.	Highway.
6536	Shippers registered with this Board to ship liquefied natural gas in two non-DOT specification aluminum cargo tanks, polyurethane foam insulated.	Highway.
6537	Lockheed-Georgia Company, Marietta, Georgia, to make a single shipment of radioactive material, n.o.s. in an RER pressure vessel.	Highway.
6546	Lithium Corporation of America, Bessemer City, N.C., to export N-Butyl Lithium in N-Hexane in not over 130 ICC 4BA240 cylinders overdue for retest.	Highway, water.

Following is a list of requests for special permits which were denied during September 1971:

DENIED—SUBJECT

1. Request from Bernz O Matic Corp., Rochester, N.Y., for authorization to ship charged, dry chemical fire extinguishers that deviate from the test requirements of 49 CFR 173.306(c) (5).

2. Request from the Fire Equipment Manufacturer's Association, Inc., Evanston, Ill., on behalf of member companies for authorization to ship charged, dry chemical fire extinguishers tested to pressures less than prescribed in 49 CFR 173.306(c) (5).

ALAN L. ROBERTS,
Secretary.

[FR Doc.71–15244 Filed 10–19–71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 283]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

SEPTEMBER 30, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		600 kHz							
CFCT (now in operation).	Tuktoyaktuk, Northwest Territory, N. 69°26'44", W. 133°01'23".	1	ND-180	U	III	150	120 Top loaded	410	
		650 kHz							
CHLT (delete notification for 50D/15N as shown on list 217. Power to remain at 10D/5N).	Sherbrooke, Quebec, N. 45°18'16", W. 71°51'59".	*10D/5N*	DA-2	U	III				
		850 kHz							
CKRD (correction to description sheet).	Red Deer, Alberta, N. 52°08'34", W. 113°47'40".	10D/1N	DA-N	U	II				
		900 kHz							
CFAC (now in operation).	Calgary, Alberta, N. 50°59'21", W. 113°50'20".	50	DA-N	U	III				
		1250 kHz							
VOAR (correction to power).	St. John's, Newfoundland, N.47°33' 52", W. 52°43'26".	*0.1*	ND-180	U	IV	100	80	40	
		1340 kHz							
CFED (assignment of call letters).	Chapais, Quebec, N. 49°46'40", W. 74°50'12".	0.25	ND-176	U	IV	140	120	203	
		1350 kHz							
CFOM (delete assignment).	Quebec, Quebec, N. 46°45'06", W. 71°10'54".	1	DA-1	U	III				
		1400 kHz							
CJFP (now in operation).	Riviere-du-Loup, Quebec, N. 47°47' 43", W. 69°35'27".	10D/5N	DA-N	U	IV				
		1400 kHz							
CKCB (now in operation).	Collingwood, Ontario, N. 44°28'54", W. 80°14'45".	0.25	ND-180	U	IV				
		1440 kHz							
(New) (delete assignment).	Calgary, Alberta, N. 50°54'21", W. 114°12'30".	10	DA-1	U	III				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-15212 Filed 10-19-71;8:45 am]

TABLE OF CANADIAN FM BROADCASTING CHANNEL ALLOCATIONS WITHIN 250 MILES OF THE CANADIAN-UNITED STATES OF AMERICA BORDER

OCTOBER 1, 1971.

The attached table of Canadian FM Broadcasting Channel Allocations is recapitulative and contains information supplied by the Department of Communications of Canada, pursuant to the Canadian-United States of America FM Broadcasting Agreement (TIAS 1726). It reflects all the additions, changes, and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes, and deletions, reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

TABLE A—CANADA

REVISED TO SEPTEMBER 15, 1971

Legend.

Notes:

[1] Canadian Educational Channel on short separation to U.S. assignments.

[2] Limited to 20 kw.—500 ft. or the equivalent.

[3] Limited to 200 kw.—441 ft. or the equivalent.

[4] Educational Channels to be used as commercial.

[5] Limited to 117 kw.—646 ft. or the equivalent.

[6] Limited to 50 kw.—500 ft. or the equivalent.

[7] Limited to 100 kw.—1,851 ft. or the equivalent.

[8] Special negotiated short-space allocations.

Explanations:

A. No channel designation denotes Class C.

B. Where directional antennas are involved, the rate of change of the field strength must not be greater than 2 db for any 10° of azimuth. Limitations are in pertinent directions only.

C. Equivalence requires that the 1 mV/m contour remain at the same location as determined by the F(50, 50) propagation curve.

ALBERTA

Banff	286, 292.
Bellevue/Pincher Creek.	237B.
Blairmore/Coleman.	231B.
Brooks	227B, 235B.
Calgary	221, 225, 229, 233, 240, 245, 271, 276, 280.
Cardston	273, 278.
Drumheller	296.
Edmonton	223, 227, 231, 235, 243, 247, 251, 258, 262, 290.
Fort Macleod	223B.
Grande Prairie	225, 255.
Hanna	263B.
High River	253A.
Lacombe/Stettler	273B, 282B.
Lethbridge	257, 261, 265, 299.
Medicine Hat	247, 254, 269.
Provost	286.
Red Deer	255, 266.
Taber	294.

BRITISH COLUMBIA

Castlegar	274, 298.
Chilliwack	271A, 298A*.
Clearwater	224B.
Clinton	293A.
Courtenay	268, 281B*.
Cranbrook	263*, 267.
Dawson Creek	221, 269.
Fernie	284, 288.
Hope	236A, 286B*.
Kamloops	239, 243, 252.
Kelowna	235B, 256B, 284
Kimberly	243, 255*.
Merritt	280, 296.
Mount Timothy	259.
Nanaimo	237.
Nelson	233, 238B.
New Westminster	266.
North Vancouver	241.
Oliver	259B, 269B.
Penticton	223B*, 227B, 246.
Port Alberni	285A, 298A.
Powell River	261A, 276A.
Princeton	261B, 276.
Prince George	263, 267.
Prince Rupert	222, 260.
Revelstoke	278, 282B.
Rossland	249*.
Salmon Arm	221B.
Savona	270A.
Trail	294.
Vancouver	229, 233, 249, 257, 274B*, 278, 289, 300B*.
Vernon	265B, 288.
Victoria	221*, 245*, 253*, 262*, 270B*, 297B*.

MANITOBA

Boissevain	290.
Brandon	224, 241, 250, 296.
Carberry	262B.
Dauphin	227, 246.
Emerson	240B*.
Flin Flon	221, 225.
Gimli	298.
Melita	254*.
Morden/Winkler	300.
Neepawa	266B.
Portage La Prairie	280, 284.
Russel	278.
St. Boniface	256, 268B.
Selkirk	264.
Steinbach	292.
The Pas	230.
Transcona	226B, 236.
Virden	258.
Winnipeg	221, 232, 244, 248, 252, 260, 272, 276, 288.

NEW BRUNSWICK

Bathurst	261*.
Campbellton	231, 243.
Chatham	270, 274.
Dalhousie	289, 294.
Edmunston	223, 228, 254.
Fredericton	221*, 251, 277.
Moncton	235, 239, 280.
Newcastle	248B, 257, 266.
Richibucto	253A.
Sackville	229.
Saint John	255, 259, 263, 268, 272, 295.
St. Stephen	288, 300.
Sussex	285.
Woodstock	233, 282.

NEWFOUNDLAND

Corner Brook	222, 226.
Gander	231.
Grand Falls	240.
St. John's	221, 225, 229.
Stephenville	232.
Wabana	234.
Windsor	236.

NOVA SCOTIA

Amherst	244.
Antigonish	256.
Bridgewater	227.
Dartmouth	237, 270.
Dominion	247.
Glace Bay	254, 258.
Halifax	222, 241, 261, 274, 278, 289.
Kentville	249.
Liverpool	231.
New Glasgow	252.
New Waterford	230.
North Sydney	222.
Pictou	283.
Shelburne	281.
Springhill	293.
Stellarton	300.
Sydney	226, 235, 290, 298.
Sydney Mines	274.
Truro	265.
Westville	233.
Wolfville	Educational only.
Yarmouth	243.

ONTARIO

Barrie	226C_1, 239B, 266A.
Belleville	227B, 232A, 238C_1, 246B, 272B*.
Brantford	221B.
Brockville	262C_1, 271A.
Chatham	232B*, 236B*, 272A*.
Cobourg	224A*, 276C_1*.
Cornwall	221A, 238A, 251A*, 283C_1, 299A.
Fort Frances	223, 250.
Guelph	278B*, 291B.
Hamilton	237C_1, 275B*, 300B*.
Huntsville	231B, 294.
Kapuskasing	227, 245.
Kenora	228, 270, 286.
Kingston	242B*, 252C_1*, 258A*, 298C_1*.
Kirkland Lake	256, 268.
Kitchener-Waterloo.	244B, 287C_1*.
Leamington	276A*.
London-St. Thomas.	228C_1*, 240C_1*, 248B*, 257B*, 276A, 295A.
New Liskeard	237.
Niagara Falls	262A*, 298A*.
North Bay	229, 241, 281, 300.
Orillia	245A, 262A, 290B.
Oshawa	222A, 235B, 240A*.
Ottawa-Hull, Quebec.	226B, 230C_1, 235C_1*, 256A, 273C_1, 277C_1, 287C_1, 291C_1, 295C_1, 300A.
Owen Sound	234B, 254C_1, 274C_1*, 285B, 298C_1*.
Parry Sound	232B, 248B, 258.
Pembroke	223B, 244C_1*, 250B, 260C_1, 264B, 285B.
Peterborough	268B, 280B*, 289B, 292B*.
Port Colborne	285B*.
St. Catherines	249B*, 289B*.
St. Thomas	See London.
Sarnia	252A*, 260B*, 268A*, 280A, 292B*.
Sault Ste. Marie	242, 263, 282.
Smiths Falls	266C_1.
Stratford	224B, 281A*.
Sturgeon Falls	270, 277.
Sudbury	224, 246, 251, 287, 296.
Thunder Bay	224, 232, 236, 243, 274, 282.
Tillsonburg	263A.
Timmins	221, 233, 272.
Toronto	231C_1*, 242A*, 247B, 251C_1*, 256C_1*, 260C_1*, 264B*, 271C_1 (Brampton), 283C_1*, 296C_1*.
Waterloo	See Kitchener.
Welland	266A*.
Windsor	204C_1*, 210C_1*, 230C_1*, 300A*.
Wingham	230A, 265B, 269B*.
Woodstock	267B.

PRINCE EDWARD ISLAND

Charlottetown	276, 287.
Summerside	224, 297.

QUEBEC

Alma	248.
Amos	247.
Arvida	229B.
Bagotville	244.
Baie St. Paul	279.
Chicoutimi	265.
Donnacona	241B*.
Drummondville	282B.
Granby	278A*.
Joliette-Sorel	276B*.
Jonquiere	239.
Kenogami	230.
Lachute	271A.
La Pocatiere	275.
La Tuque	224B.
Lennoxville	See Sherbrooke.
Maniwaki	255A.
Mantane	259.
Megantic	229B.
Mont Joli	236.
Montmagny	271B.
Montreal	223C_1*, 228C_1, 232C_1, 236B, 240C_1, 245C_1* (Verdun), 249C_1, 253C_1*, 264C_1, 268B, 289C_1, 293C_1, 297C_1.
New Carlisle	226.
Port Alfred	286.
Quebec City	222B, 227C_1, 233C_2, 237C_1, 246C_1, 251C_1, 263B, 267C_1, 284C_1, 288C_1, 292B, 298B.
Rimouski	268.
Riviere du Loup	296.
Roberval	258.
Rouyn	243.
St. Agathe des Monts.	258A.
St. Hyacinthe	See Montreal.
St. Jean	285B.
St. Jerome	280B.
Shawinigan Falls	272B*.
Sherbrooke	221B, 243C_2*, 259B, 270*, 274C_1*, 291B*.
Sorel	See Joliette.
Thetford Mines	256C_1*.
Three Rivers	230B, 261C_1*, 295B.
Val d'Or	254.
Verdun	See Montreal.

SASKATCHEWAN

Assiniboia	266.
Biggar	239.
Broadview	268.
Estevan	235, 286.
Eston	250.
Gravelbourg	278.
Herbert	241.
Indian Head	282.
Kindersley	221.
Lloydminster	278, 294.
Maple Creek	290, 297.
Melville	264.
Moose Jaw	237, 254, 270, 274.
Moosomin	272.
North Battleford	256, 261.
Oxbow	276.
Prince Albert	265, 269, 273.
Regina	221, 225, 229, 233, 245, 249.
Rosetown	235.
Saskatoon	230, 284, 288, 292, 296.
Shaunavon	282, 286.
Swift Current	227, 231.
Watrous	258.
Weyburn	292, 297.
Wilkie	225.
Wynyard	300.
Yorkton	256, 260.

NORTHWEST TERRITORIES

Yellowknife	221.

YUKON TERRITORY

Dawson City..... 221.
Whitehorse..... 223.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-15211 Filed 10-19-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23694]

SERVICIO AEREO DE HONDURAS, S.A. (SAHSA)

Foreign Air Carrier Permit Amendment; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 17, 1971, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 10, 1971.

Dated at Washington, D.C., October 13, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-15268 Filed 10-19-71;8:48 am]

COST OF LIVING COUNCIL

[Order No. 3]

PAY BOARD

Delegation of Authority Concerning Stabilization of Wages and Salaries

Correction

In F.R. Doc. 71-15256, appearing at page 20202 in the issue for Saturday, October 16, 1971, the third paragraph from the end should read as follows:

4. The Chairman may redelegate to any agency, instrumentality, or official of the United States any authority under this Executive order, and may, in carrying out the functions delegated to it by this Executive order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

FEDERAL MARITIME COMMISSION

[Docket No. 71-69]

BUREAU OF INDIAN AFFAIRS

Denial of Exemption; Correction

In the order published in volume 36, No. 194 of the FEDERAL REGISTER on Wednesday, October 6, 1971, the first sentence of the second full paragraph on page 19456 should read as follows:

Northland and Eggleston claim that a substantial part of their operations is in direct competition with those of the North Star.

On the same page, in the last paragraph of the first column, "noncommercial" should be changed to "commercial".

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-15252 Filed 10-19-71;8:47 am]

HANSA LINE AND SEATRAIN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fermin Mendez, Rate Manager, Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 9699-1, modifies the basic agreement which covers a through billing arrangement on general cargo from Puerto Rico to ports in the Persian Gulf and adjacent waters, Red Sea, and Gulf of Aden ports, and all ports on the Mediterranean Sea (except Spanish and Israeli ports) and adjacent Seas, and on the Atlantic Coast of Morocco, with transshipment at New York, N.Y., to specifically provide in Article 2 thereof that transshipment expenses shall be for the account of the cargo.

Dated: October 14, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-15251 Filed 10-19-71;8:47 am]

SAN FRANCISCO PORT COMMISSION AND STATES STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Miss Miriam E. Wolff, Port Director, Port of San Francisco, Ferry Building, San Francisco, Calif. 94111.

Agreement No. T-2227-1, between the San Francisco Port Commission (Port) and States Steamship Co. (States), modifies the original agreement which provides for the 10-year lease of a portion of Army Street Terminal at San Francisco, Calif. The purpose of the modification is to delete a provision in the agreement providing that the commencement date of the agreement's term shall not extend beyond November 13, 1971, and substitute in its stead a provision requiring that the term shall commence on the first day of the calendar month immediately succeeding a mutually satisfactory resolution of the Pacific Maritime Association—International Longshoremen's and Warehousemen's Union

labor contract negotiations for the contract that expired on June 30, 1971.

Dated: October 14, 1971.

By order of the Federal Martime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-15250 Filed 10-19-71;8:47 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-7441, etc.]

FALCON SEABOARD INC.

Notice Redesignating Proceedings, Rate Schedules, and Certificates

OCTOBER 8, 1971.

Falcon Seaboard Inc., formerly Falcon Seaboard Drilling Co.

On November 2, 1970, Falcon Seaboard Inc. (petitioner) filed a petition to amend certificates heretofore issued to Falcon Seaboard Drilling Co. to reflect a change in corporate name. Additionally, petitioner seeks redesignation of FPC Gas Rates Schedules and pending docket proceedings. The certificates, proceedings, and rate schedules involved in petitioner's request are set forth in the Exhibit attached below.

In support of its petition, petitioner submitted a certificate of Amendment of Certificate of Incorporation, which reflects that the corporate name was changed from Falcon Seaboard Drilling Co. to Falcon Seaboard Inc. effective April 21, 1970.

The petition does not involve any substantive change in ownership, corporate structure or domicile, or jurisdictional operation.

Take notice that the certificates, proceedings, and rate schedules, which are listed in the Exhibit attached below, are hereby redesignated to reflect the change in corporate name to Falcon Seaboard Inc.

KENNETH F. PLUMB,
Secretary.

EXHIBIT

FPC Gas Rate schedule No.	Certificate docket No.	Purchaser code No.	Rate docket No.
1[1]	G-7441	4	
5[1]	G-11087	3	RI62-183.
6[2]	G-14360	4	
7[2]	CI60-556	5	RI66-55.
8[2]	CI61-433	1	RI71-963.
9[2]	CI61-1056	3	RI66-283.
10[1]	CI62-208	2	RI67-241.
11[2]	CI62-1225	4	RI67-115.
12[2]	CI63-502	2	RI67-434.
13[2]	CI63-725	5	RI66-55.
14	CI63-904	3	RI68-66.
15[2]	CI63-1046	1	RI71-963.
16[1]	CI63-1410	1	
17[2]	CI63-1484	2	
18[2]	CI64-565	2	
19[2]	CI64-586	2	
20[2]	CI64-1109	1	
21[2]	CI65-488	2	
22[2]	CI65-488	2	
23	CI66-513	1	
24	CI67-779	3	

[1] et al.
[2] (Operator) et al.

PURCHASER CODE

1. Michigan Wisconsin Pipe Line Co.
2. Northern Natural Gas Co.
3. Panhandle Eastern Pipeline Co.
4. Tennessee Gas Pipe Line Co.
5. Transwestern Pipeline Co.

[FR Doc.71-15226 Filed 10-19-71;8:45 am]

POSTAL RATE COMMISSION

[Administrative Order 1]

CAREER AND EXCEPTED SERVICE

Establishment and Operation; Correction

OCTOBER 14, 1971.

In Administrative Order No. 1, entitled "Career and Excepted Service" published in the FEDERAL REGISTER, October 1, 1971 (36 F.R. 19279), change "Rule 10" in paragraph (c) of Rule 5, page 19280, to read "Rule 12."

GORDON M. GRANT,
Secretary.

[FR Doc.71-15242 Filed 10-19-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5088]

GEORGIA POWER CO.

Notice of Proposed Increase in Permissable Short-Term Unsecured Debt and Solicitation of Proxies

OCTOBER 14, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The terms of Georgia's preferred stock as set forth in its charter provide, in effect, that, except for limited specified purposes or except with the affirmative vote in favor thereof of the holders of at least a majority of the shares of the preferred stock at the time outstanding, the amount of short-term debt (i.e., securities representing unsecured indebtedness having maturities of less than 10 years, as defined in the charter) which the company may issue shall not exceed 10 percent of its other capitalization, namely the sum of (a) the total principal amount of all bonds and other securities representing secured indebtedness then issued or assumed by the company and outstanding, and (b) the capital and surplus of the company (paid-in, earned, and other, if any) as stated on its books. Georgia, at a special meeting to be held on December 14, 1971, proposes to submit to the holders of its outstanding preferred stock a proposal to authorize it, until July 1, 1975, to issue short-term debt as above defined in excess of the 10 percent limitation, provided that (a) none of such short-term debt outstanding on July 1, 1975, shall mature on or after January 1, 1976, and (b) Georgia's total indebtedness represented by unsecured securities shall not exceed 20 percent of its other capitalization, as defined above.

Under Georgia's charter, the affirmative vote of at least a majority of the shares of preferred stock at the time outstanding is required for the adoption of the proposal. Georgia proposes to solicit proxies from the holders of its preferred stock in connection therewith.

The fees and expenses to be incurred with respect to the proposed transactions are estimated at $23,000, including a legal fee of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 4, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15243 Filed 10-19-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42289—*Commodity rates from and to Tulsa Port Authority, Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-268), for and on behalf of carriers parties to Uniform Classification Committee, agent, tariff ICC 6. Rates on property moving on point-to-point commodity rates, from and to Tulsa Port Authority, Oklahoma, on the Atchison, Topeka and Santa Fe Railway Co. and St. Louis-San Francisco Railway Co., to and from points in the United States and Canada.

Grounds for relief—New station.

AGGREGATE OF INTERMEDIATES

FSA No. 42288—*Soybean meal and related articles between stations on the GM&O RR, et al.* Filed by M. B. Hart, Jr., agent (No. A6284), for interested rail carriers. Rates on soybean meal and other vegetable meals, in carloads, as described in the application, between stations on the GM&O RR, IC RR, and L&N RR, on the one hand, and stations on the A&WP-WofA-Ga RR, CC&O Ry, NS Ry, SCL RR and Sou Ry System, on the other.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 53 to Southern Freight Association, agent tariff ICC S-859. Rates are published to become effective on November 14, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15274 Filed 10-19-71;8:48 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 15, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(0)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 593) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed September 21, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 41 and U.S. Highway 60 2 miles north of Henderson, Ky., over U.S. Highway 41 to junction Pennyrile Parkway, thence over Pennyrile Parkway to junction U.S. Highway 41 near Madisonville, Ky., thence over U.S. Highway 41 to interchange with the Western Kentucky Parkway, thence over the Western Kentucky Parkway to junction U.S. Highway 62 3 miles east of Eddyville, Ky., thence over U.S. Highway 62 to interchange with the Jackson Purchase Parkway, thence over the Jackson Purchase Parkway to junction U.S. Highway 51 near Fulton, Ky., with the following access roads: (1) From Henderson, Ky., over Kentucky Highway 54 to junction U.S. Highway 41, (2) from Mayfield, Ky., over U.S. Highway 45 to junction the Jackson Purchase Parkway, (3) from Mayfield, Ky., over Kentucky Highway 80 to junction Jackson Purchase Parkway, and (4) from Fulton, Ky., over Kentucky Highway 307 to junction the Jackson Purchase Parkway, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Evansville, Ind., over U.S. Highway 60 to junction U.S. Highway 45 at Paducah, Ky., thence over U.S. Highway 45 via Mayfield, Ky., to junction U.S. Highway 51 at Fulton, Ky., and return over the same route.

No. MC-1515 (Deviation No. 595) (Cancels Deviation No. 474), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed September 23, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Nashville, Tenn., and Chattanooga, Tenn., over Interstate Highway 24, with the following access roads: (1) From Murfreesboro, Tenn., over Tennessee Highway 96 to junction Interstate Highway 24, (2) from Murfreesboro, Tenn., over Tennessee Highway 99 to junction Interstate Highway 24, (3) from Murfreesboro, Tenn., over U.S. Highway 231 to junction Interstate Highway 24, (4) from Manchester, Tenn., over Tennessee Highway 53 to junction Interstate Highway 24, and (5) from Manchester, Tenn., over U.S. Highway 41 to junction Interstate Highway 24, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 to Murfreesboro, Tenn., thence over U.S. Highway 70-S to Crossville, Tenn., thence over U.S. Highway 70 to Knoxville, Tenn., and (2) from Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same routes.

No. MC-1515 (Deviation No. 594) (Cancels Deviation No. 582), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed September 21, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Morgantown, W. Va., over West Virginia Highway 73 to interchange Interstate Highway 79, thence over Interstate Highway 79 to junction West Virginia Highway 73, thence over West Virginia Highway 73 to junction U.S. Highway 50, thence over U.S. Highway 50 to Clarksburg, W. Va., with the following access road: From Fairmont, W. Va., over West Virginia Highway 73 to junction Interstate Highway 79, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service as follows: Between Morgantown, W. Va., and Clarksburg, W. Va., over U.S. Highway 19.

No. MC-109780 (Deviation No. 38) (Cancels Deviation No. 19), CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207, filed September 28, 1971. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Greenville, Tex., and Texarkana, Ark., over Interstate Highway 30, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Hot Springs, Ark., over U.S. Highway 70 to Kirby, Ark., thence over Arkansas Highway 27 via Nashville, Ark., to junction U.S. Highway 71, thence over U.S. Highway 71 to Texarkana, Tex., thence over U.S. Highway 82 to junction unnumbered highway, thence over unnumbered highway to Brookston, Tex., thence return over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 via Gainesville, Tex., to junction unnumbered highway, thence over unnumbered highway to Myra, Tex.,

thence return over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 to Wichita Falls, Tex., and (2) from Dallas, Tex., over Texas Highway 78 to Garland, Tex., thence over Texas Highway 66 (formerly Texas Highway 7) via Rockwall to Royse City, Tex., thence over U.S. Highway 67 to Greenville, Tex. (also from Dallas over U.S. Highway 67 to Greenville), thence over Texas Highway 24 via Cooper, Tex., to Paris, Tex., and return over the same routes.

No. MC-13300 (Deviation No. 24), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed October 1, 1971. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 2004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Raleigh, N.C., over relocated North Carolina Highway 54 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction North Carolina Highway 1959, near Nelson, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Raleigh, N.C., over North Carolina Highway 54 via Nelson and Chapel Hill, N.C., to Graham, N.C., and (2) from Nelson, N.C., over North Carolina Highway 1959 to Bethesda, N.C., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15270 Filed 10-19-71;8:48 am]

[Notice 83]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 15, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128909 (Sub-No. 14) (Republication), filed November 18, 1970, published in the FEDERAL REGISTER, issues of December 17, 1970, and January 14, 1971, and republished this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, NE 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. A Supplemental Order of the Commission, Operating Rights Board, dated September 16, 1971, and served October 12, 1971, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) (a) housetrailers designed to be drawn by passenger automobiles: (b) Buildings, in sections, mounted on wheeled undercarriages with hitch-ball connectors; and (c) parts, appliances, furniture and accessories for the items listed in (1) (a) and (b) above, between the plantsite of Commodore Mobile Homes, Inc., of California, at Galt, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and (2) wheels, tires, axles, and hitches, from points in the United States (except Alaska and Hawaii) to the plantsite of Comomdore Mobile Homes, Inc., of California, at Galt, Calif., restricted to the transportation of traffic originating at or destined to the plantsites of the Commodore Corp., its subsidiaries or divisions, under a continuing contract or contracts with the Commodore Corp., its subsidiaries and/or divisions, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133065 (Sub-No. 13) (Republication), filed August 13, 1970, published in the FEDERAL REGISTER, issues of September 3, 1970, October 29, 1970, and November 13, 1970, and republished this issue. Applicant: ECKLEY TRUCKING AND LEASING, INC., Mead, Nebr. 68401. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, NE 68501. A Report and Order of the Commission, Review Board No. 3, decided August 10, 1971, and served August 27, 1971, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such commodities as are normally dealt in by lumber, lumber product, and forest product yards, (a) from points in Montana on and west of U.S. Highway 91 and some from points in Judith Basin County, Mont.; from points in Idaho on and north of U.S. Highway 12 and from points in Gem, Ada, Lemhi, and Bingham Counties, Idaho; Spokane, Snohomish, King, Pierce, and Grays Harbor Counties, Wash.; and Baker, Wasco, Hood River, Clackamas, Polk, Benton, Linn, Lane, Douglas, Josephine, Washington, and Multnomah Counties, Oreg., to points in Kansas, Nebraska, and points in Missouri lying on and west of U.S. Highway 65; and (b) from the plantsite of Mid-West Lumber Co. at Lincoln, Nebr., to points in Kansas, Missouri, South Dakota, Minnesota, Iowa, and Illinois, under a continuing contract or contracts with Mid-West Lumber Co., Lincoln, Nebr., will be consistent with the public interest and the national transportation policy. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING PETITIONS

No. MC 43706 (Notice of Filing of Petition for Modification of Certificate), filed September 23, 1971. Petitioner: ATKINSON FREIGHT LINES, INC., 4410 Rising Sun Avenue, Philadelphia, Pa. 19140. Petitioner's representative: Alexander Markowitz, Post Office Box 793, Vineland, NJ 08360. Petitioner states that in the matter of the Certificate of Public Convenience and Necessity issued by the Commission in the above-entitled proceeding, he seeks modification thereof to the following extent: In conjunction with the grant of authority to transport general commodities, between Woodbury and Newfield, N.J., serving the off-route point of Elmer, N.J., petitioner seeks the removal of restrictions placed on the use of such route, which requires that the traffic shall be limited to a service which is auxiliary to or supplemental of rail service of the Pennsylvania-Reading Seashore Lines; that petitioner shall not serve a point not a station on the rail line of the railroad; and that all contractual agreements between petitioner and the railroad shall be reported to the Interstate Commerce Commission, subject to revision, and such further restrictions as the Commission may find it necessary to impose to restrict petitioner's operations in such

manner. Petitioner further states that it appears that the restriction was imposed under circumstances which no longer exist nor require its continuance in any form.

Moreover the railroad has long since given up its L.C.L. services in the area, and at the points presumed to be covered thereby, has long closed its freight stations, at such points generally, and that at such stations as have been continued, only carload or trap car service is afforded to shippers and receivers on its lines. Since the rail service referred to no longer exists, it is impossible to render the service specified subject to the limitations set forth. Petitioner submits that in any event, petitioner's authority to render service at such points should not be canceled, or limited on that account. The withdrawal of the rail L.C.L. service has not removed the need for rendering such service. Petitioner states it is possessed of the necessary qualifications, and fitness and ability to provide it, and desires to continue to render service at such points, and there is no adverse effect upon shippers and receivers who may thus be served by it. Petitioner further states that since the restriction for all practical purpose is rendered moot, the petition may be approved for modification if desired by simply authorizing service at points on Gloucester County Highway No. 39A between Woodbury and its junction with New Jersey Highway 47, which parallels the lines of the Pennsylvania-Reading Seashore Lines between the same points, and Newfield, N.J., by use of Gloucester County Highway No. 31, from its junction with New Jersey 47 to Newfield, serving all intermediate points. Petitioner indicates that in the event of approval, it will agree to modification of the term "General commodities," to permit the imposition of the usual exceptions imposed by the Commission in such certificates generally to the extent that petitioner agrees that in such event, its description of authority to transport general commodities may be further limited to the following extent: Except those of unusual value, and except class A or B explosives, household goods as defined by the Commission, commodities in bulk, or those requiring special equipment, and those injurious or contaminating to other lading.

Petitioner requests that its petition be granted, and that the Commission shall by order direct the removal of the present restriction, the proposed modification of the description suggested, and the substitution of highways most nearly paralleling the rail line between the points of Woodbury and Newfield, and permit it the line between the points of Woodbury and Newfield, and permit it the right to continue motor carrier service along such route, in lieu of rail service, no longer available, and to continue to serve the shipping and receiving public along such route and at such points by rendering its direct motor carrier service without the continued imposition of the restriction, which now serves to prevent the rendering of such service by it. Any interested person or persons desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC–126513 (Notice of filing of petition for reinstatement of certificate). Petitioner: Puget Sound Tug & Barge Co., 1102 Southwest Massachusetts Street, Seattle, WA 98134. Petitioner's representative: William F. Roush, Traffic Manager, Puget Sound Tug & Barge Company, Post Office Box 3783, Seattle, WA 98124. Certificate No. MC–126513 was issued to Puget Sound Tug & Barge Co., on February 4, 1965, authorizing the transportation of *General commodities*, in seasonal operations extending from April 1 to November 30, both dates inclusive, of each year, between beach-landing sites in Alaska, on the one hand, and, on the other, Dew Line and Mona Lisa sites at or near the following points: Shemya, Tin City, Lisburne, Point Barrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Cape Beauford, Point Lay, Icy Cape, Wainwright, Peard Bay, Point Barrow, Simpson Lagoon, Lonely Lagoon, Kogru River, Oliktok Point, Point McIntyre, Bullen Point, Brownlow Point, Demarcation Point, Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Aniak, King Salmon, Metlakatla, McGrath, Kotzebue, Fire Island, Sitkinak, Scotch Cap, Dillingham, Platinum, St. George Island, Attu, Gamble, Savoonga, Port Clarence, St. Michael, Nash Harbor, Smugglers Cove, Ocean Cape, and Point McKenzie, Alaska. Insofar as the said certificate authorized the transportation of classes A and B explosives, it was conditioned to expire on February 4, 1970, and the said portion now stands expired. By the instant petition, petitioner seeks reinstatement of that portion of the now expired certificate for a period of 5 years. Within 30 days from the date of this publication, any interested person desiring to participate may file original and six copies of his written representations, views, or argument in support of or against the requested reinstatement of that portion of the said certificate.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 124004 (Sub-No. 17), filed September 27, 1971. Applicant: RICHARD DAHN INC., Rural Delivery 1, Sparta, NJ 07871. Applicant's representative; George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone*, from Lumberville, Pa., to points in New York, Connecticut, Massachusetts, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, New Jersey, and the District of Columbia. NOTE: The instant application is a matter directly related to MC–F–11328, published in the FEDERAL REGISTER issue of October 6, 1971. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 56082 (Sub-No. 65), filed August 16, 1971. Applicant: DAVIS & RANDALL, INC., 154 Chautaugua Street, Fredonia, NY 14063. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (1) between Rochester, N.Y., and Honeoye (Ontario County), N.Y., (a) from Rochester to Hemlock over New Highway 15A, thence over U.S. Highway 20A to Honeoye and return over the same route serving the intermediate point of Hemlock; (2) between Rochester, N.Y., and Lakeville (Livingston County), N.Y., from Rochester over New York Highway 15A to Henrietta, thence over New York Highway 253 to Scottsville, thence over New York Highway 251 to Ruch, thence over New York Highway 15A to Honeoye Falls, thence over Honeoye Falls Road to Avon, thence over New York Highway 30 to Geneseo, thence over East Lakeville Road, New York Highway 256 and U.S. Highway 20A to Lakeville, and return over the same route, serving all intermediate points, and the off-route points of South Livonia, South Lima, Mortimer, and Long Point, N.Y., (3) between Avon and Lima, N.Y., over New York Highway 5, serving the intermediate point of East Avon, (4) between Lakeville and Hemlock, N.Y., from Lakeville over U.S. Highway 15 to Livonia, thence over U.S. Highway 20A and New York Highway 15A to Hemlock, and return over the same route serving the intermediate point of Livonia. NOTE: Applicant states that the instant application is a matter directly related to MC–F 11317, published in the FEDERAL REGISTER issue of September 9, 1971. The instant application seeks to convert certificate of registration in MC–57798 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11344. Authority sought for control by GILBERT FLEXI-VAN CORPORATION, 330 Madison Avenue, New

York, N.Y. 10017, of GILBERT CARRIER CORP., Gilbert Drive, Secaucus, N.J. 07094 and VELTMAN TERMINAL CO., Post Office Box 54582, Los Angeles, CA 90054, and for acquisition by HAROLD NEIMAN, also of New York, N.Y. 10017, of control of such rights through the transaction. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, NY 10007. Operating rights sought to be controlled: *Garments and wearing apparels,* as a *common carrier,* over regular and irregular routes, from, to, and between all points in the United States, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC-52579 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Application pending for *contract carrier* authority under Docket No. MC-124546 Sub-4. GILBERT FLEXI-VAN CORPORATION, holds no authority from this Commission. However, it is affiliated with NELSON TRUCKING SERVICE, INC., Box 161, Mediapolis, IA 52637, which is authorized to operate as a *common carrier* in Iowa and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11343. Authority sought for purchase by TOWERS TRANSPORTATION, INC., 250 East North Avenue, Elizabeth, NJ 07205, of a portion of the operating rights of CROSS TRANSPORTATION, INC., Carll's Corners, Bridgeton, N.J. 08302, and for acquisition by ROBERT ROMAN, also of Elizabeth, N.J. 07205, of control of such rights through the purchase. Applicants' attorneys: Samuel Earnshaw, 833 Washington Building, Washington, D.C., and David G. Macdonald, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities,* with exceptions as a *common carrier* over irregular routes, between Elizabeth, N.J., and points and places within 30 miles of Elizabeth, on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., points and places in New Jersey, and those in Nassau and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-11341. Authority sought for merger into SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, IN 46202, of the operating rights and property of I & S TRAILWAYS, INC., doing business as INDIANAPOLIS & SOUTHEASTERN TRAILWAYS, also of Indianapolis, Ind. 46202, and for acquisition by B. D. KRAMER AND C. J. VILLENEUVE, both of 1718 South Clark Street, Chicago, IL, of control of such rights and property through the transaction. Applicants' attorney: Harry J. Harman, 1 Indiana Square, Suite 2425, Indianapolis, IN 46204. Operating rights sought to be merged: Passengers and their baggage, and usually newspapers, express, mail, in the same vehicle with passengers, as a common carrier over regular routes, between Whiting, Indianapolis, Valparaiso, and Michigan City, Ind., between junction Indiana Highway 49 and U.S. Highway 12, and Indiana Dunes State Park, between junction Indiana Highway 49 and U.S. Highway 20 and Gary, Ind., between junction U.S. Highway 20 and unnumbered highway (west of Porter, Ind.), and Chesterton, Ind., between Chicago, Ill., and Columbus, Ohio, between Valparaiso, and Michigan City, Ind., between Indianapolis, Ind., and Cincinnati, Ohio, between Greensburg, Osgood, and Aurora, Ind., between Penntown, Ind., and Cincinnati, Ohio, between junction Indiana Highways 48 and 101, and junction Indiana Highways 101 and 350, between Cleves, Ohio, and junction unnumbered highway and U.S. Highway 52 near Harrison, Ohio, between Greensburg, Ind., and junction old Indiana Highway 46 and relocated Indiana Highway 46, between Elizabethtown and Cleves, Ohio, between Cincinnati, Ohio, and Knoxville, Tenn., between Livingston, Ky., and junction New U.S. Highway 25 and Old U.S. Highway 25, 1-mile south of East Bernstadt, Ky., between Indianapolis and Camp Atterbury, Ind. SOUTHEASTERN TRAILWAYS, INC., holds no authority from this Commission. However it is affiliated with (1) DELUXE TRAILWAYS, INC., 1718 South Clark Street, Chicago, IL 60616, (2) WEST SUBURBAN TRANSIT LINES, INC., 600 East St. Charles Road, Post Office Box 277, Lombard, IL 60148, (3) PEORIA-ROCKFORD BUS COMPANY, both property and passenger of 1034 South Seminary Street, Rockford, IL 61108, which are authorized to operate as common carriers in (1) Illinois, Missouri, (2) Illinois, (3) Illinois, Wisconsin; and PEORIA-ROCKFORD BUS COMPANY, also of Rockford, Ill. 61108, which is authorized to operate as a contract carrier in Wisconsin and Illinois. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-11342. Authority sought for purchase by WEST HUNTERDON TRANSIT CO., INC., Route U.S. 202, Flemington, N.J. 08822, of a portion of the operating rights of TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040, and for acquisition by FRED J. DILLEY, also of Flemington, N.J. 08822, of control of such rights through the purchase. Applicants' attorneys: Richard Freyling, 180 Boyden Avenue, Maplewood, N.J. 07040, and Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between New Hope, Pa., and Bridgewater Township, N.J., with restriction. Vendee is authorized to operate as a common carrier in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15271 Filed 10-19-71;8:48 am]

[Notice 381]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 15, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17745 (Sub-No. 8 TA), filed October 4, 1971. Applicant: CONTRACTORS CARGO COMPANY, 11100 South Garfield, South Gate, CA 90280. Applicant's representative: P. Sullivan, Washington, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Road and ballast rocks,* from Wahweap Creek located near Glen Canyon City, Utah, to Navajo Generating Station near Page, Ariz., and along the right-of-way of track extending from the Navajo Generating Station at Page, Ariz., to Kayenta, Ariz., for 180 days. Supporting shipper: Salt River Project, Post Office Box 1980, Phoenix, AZ 85001. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 59680 (Sub-No. 193 TA), filed October 7, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, 75212, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck, Post Office Box 5689, Dallas, TX 75222. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Furniture and furniture parts*, serving the warehouse facility of Singer Co. at or near Warwick, N.Y., as an off-route point in connection with Strickland's authority to serve New York, N.Y. Restriction: This authority is restricted to traffic originating at the Singer Co. plant at or near Trumann, Ark., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Singer Co., North America Division, Post Office Box 440, Syosset, Long Island, NY 11791. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 64650 (Sub-No. 19 TA), filed October 6, 1971. Applicant: W. T. COWAN, INCORPORATED, 820 South Oldham Street, Baltimore MD 21224. Applicant's representative: J. W. Stevens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cloth, dry goods, fabrics*, between Wilmington, Del., and the plantside of Wiltex Co. located near Newark, Del., for 180 days. NOTE: Applicant states it will tack with existing regular route authority (MC 64650) at Wilmington, Del. Supporting shipper: J. Schoeneman, Inc., Post Office Box 17, Owings Mills, MD 21117. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 107012 (Sub-No. 127 TA), filed October 4, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Karlton Holle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, cellulose wrapping, cellulose bags, and cellulose pads*, from Salem, Ill., to Benton, Ark., for 180 days. Supporting shipper: Jeffy Manufacturing Co., Salem, Ill. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 107295 (Sub-No. 554 TA), filed October 6, 1971. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material and accessories and supplies* used in the installation thereof, from Moncure, N.C., to points in Mississippi and Minnesota, for 180 days. Supporting shipper: Gordon T. Adams, General Traffic Manager, Evans Products Co., 201 Dexter Street West, Chesapeake, VA 23324. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107374 (Sub-No. 5 TA), filed October 7, 1971. Applicant: JOHNNIE RAY WILLS, doing business as ATLAS TRANSFER COMPANY, Post Office Box 278, 117 Fifth Avenue, Hinton, WV 25951. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from Hinton, W. Va., to points in Mingo, Logan, and Boone Counties, W. Va., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn., Attention: Dale D. Peters, Assistant Transportation Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 108393 (Sub-No. 51 TA), filed October 7, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, for the account of Whirlpool Corp., between Elizabethtown, Ky., and Evansville, Ind., for 180 days. Supporting shipper: Mr. Carl R. Anderson, Director of Corporate Traffic, Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 112963 (Sub-No. 23 TA), filed October 7, 1971. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage and sludge*, dry, in bulk, in tank vehicles, from Woburn, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Albany and Schenectady Counties, N.Y., for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, NY 10602. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building., Government Center, Boston, Mass. 02203.

No. MC 116073 (Sub-No. 196 TA), filed October 8, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from the plantsite and storage facilities of Detroiter Mobile Homes in Schuykill Haven, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Detroiter Mobile Homes, Pennsylvania Division, Schuykill Haven, Pa. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 124154 (Sub-No. 47 TA), filed October 7, 1971. Applicant: WINGATE TRUCKING COMPANY, INC., 1004 21st Avenue, Post Office Box 645, Albany, GA 31702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay and fuller's earth*, from the plantsite of Oil-Dri Corporation of America, Thomas County, Ga., to points in Alabama, Florida, Tennessee, and South Carolina, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, IL 60611. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 124813 (Sub-No. 87 TA), filed October 6, 1971. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from Muscatine, Iowa, to Henderson, Ky., for 150 days. Supporting shipper: Doane Feed Products Co., Post Office Box 879, Joplin, MO 64801. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128256 (Sub-No. 8 TA), filed October 6, 1971. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axle assemblies*, from the international boundary line between the United States and Canada at Detroit, Mich., to White Pigeon, Mich., for 180 days. Supporting shipper: Northland Sales Corp., White Pigeon, Mich. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 134693 (Sub-No. 1 TA), filed October 7, 1971. Applicant: DORSEY FOOKS, 4925 DiMaio Street, Brookhaven, PA 19015. Applicant's representative: Robert James Jackson, Lawyers

Title Building, Fifth and Welsh Streets, Chester, PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated appliances, uncrated new furniture including lamps and rugs, uncrated lawn mowers, uncrated panelling, and uncrated pools*, from points in Delaware, to points in Pennsylvania and Maryland, for 180 days. Supporting shippers: W. T. Grant Co., Store No. 353, South Chapel and Chestnut Streets, Castle Mall, Newark, DE 19711; W. T. Grant Co., Store No. 955, 4605 Kirkwood Highway, Midway Shopping Center, Wilmington, DE 19808. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135049 (Sub-No. 2 TA), filed October 7, 1971. Applicant: KEARNEY'S, INC., Alternate Route U.S. 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in dump vehicles, from Portland, Pa., to New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey, for 150 days. Supporting shipper: Columbia Asphalt Corp., Post Office Box 145, Flushing, NY 11352. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Philadelphia, PA 19102.

No. MC 135834 (Sub-No. 1 TA) (Correction), filed September 2, 1971, published FEDERAL REGISTER September 17, 1971, corrected and republished in part as corrected this issue. Applicant: L & H TRANSPORT, INC., 12010 North Portland Road, Portland, OR 97203. Applicant's representative: Harry E. Bates, 12000 North Portland Road, North Portland, OR 97043. NOTE: The purpose of this partial republication is to set forth the correct MC 135834 Sub-No. 1 TA, in lieu of MC 134646 Sub-No. 1 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 135954 (Sub-No. 1 TA), filed October 7, 1971. Applicant: JEROME KOENIG AND RAYMOND KOENIG, Fairfax, S. Dak. 57335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer*, in bulk, from Big Sioux Terminal, Sioux City, Iowa, to Fairfax, S. Dak., for 180 days. Supporting shipper: Robert Gray, Farmers Union Oil Co., Fairfax, S. Dak. 57335. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 136021 (Sub-No. 1 TA), filed October 7, 1971. Applicant: MUN COR., INC., Rural Delivery No. 1, Box 293A, Conemaugh, PA 15909. Applicant's representative: J. Lee Miller, 400 Porter Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic oils, mine gear lubricants, and mine grease lubricants*, in bulk, in tank vehicles, from Sewaren, N.J., to Mundy's Corner, Pa., and from Buffalo, N.Y., to Mundy's Corner, and West Brownsville, Pa., and (2) *hydraulic oils, mine gear lubricants, and mine grease lubricants*, in small containers, and return of *empty containers*, from Mundy's Corner, Pa., and West Brownsville, Pa., to points in West Virginia, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Service Processing Co., Post Office Box 11091, Pittsburgh, PA 15237. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 136054 TA, filed October 6, 1971. Applicant: MARVIN PLAGENS, 2140 Werner Road, Richmond, MI 48062. Applicant's representative: S. Martin Tweedie, 511 New Peoples Bank Building, Suite 555, Port Huron, Mich. 48060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnace residue slag and foundry coke*, from Detroit, and Trenton, Mich., to ports of entry on the international boundary line between the United States and Canada in Michigan, for 180 days. Supporting shipper: Holmes Insulations, Ltd., 546 North Christina Street, Sarnia, ON, Canada. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15272 Filed 10-19-71;8:48 am]

[Notice 767]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 15, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73075. By order of October 8, 1971, the Motor Carrier Board on reconsideration, approved the transfer to Alton M. Johnson, doing business as Colorado-Kansas Truck Line, Pueblo, Colo., of the operating rights in certificate No. MC-128164 (Sub-No. 1), issued July 15, 1970, to Buel I. Lowder, Pueblo, Colo., authorizing the transportation of general commodities, with exceptions, between Pueblo, Colo., and Scott City, Kans., serving the immediate points of Blende, Baxter, Vineland, Boone, Olney Springs, Crowley, Ordway, Sugar City, Arlington, Haswell, Eads, Chivington, Brandon, Sheridan Lake, and Towner, Colo., and Tribune, Whitelaw, Selkirk, Leoti, Marienthal, and Modoc, Kans., restricted against the transportation of traffic between Pueblo, Colo., and the commercial zone thereof, on the one hand, and, on the other, Pueblo Ordnance Depot, Colo. Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001, attorney for applicants.

No. MC-FC-73084. By order of October 8, 1971, the Motor Carrier Board approved the transfer to Scott County Freight Lines, Inc., Scottsburg, Ind., of the operating rights in certificate No. MC-3839 (Sub-No. 1) issued June 2, 1961, to Otis Richards, doing business as Richards Truck Line, Scottsburg, Ind., authorizing the transportation of general commodities, with exceptions, between Scottsburg, Ind., and Louisville, Ky. Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15273 Filed 10-19-71;8:48 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 15, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 71-343, filed September 9, 1971. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: Marvin W. Freeman, Box 474, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate sightseeing and tour operations between Anchorage, Alaska, and Fairbanks, Alaska, via

Alaska Highway No. 3, with service to and from and at McKinley National Park and off-route service to and from Kantishna. The interstate and foreign commerce aspect of the operation will be involved in the case of those passengers traveling on the above intrastate routes who are traveling on continuous through tickets or vouchers to, from or through other States or the Dominion of Canada. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 52904, filed October 4, 1971. Applicant: KELLER'S FREIGHT LINE, 2270 McKinnon Avenue, San Francisco, CA 94104. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) automobiles, trucks, and buses; (c) livestock; (d) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (e) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tanks semitrailers or a combination of such highway vehicles; (f) commodities when transported in bulk in dump trucks or in hopper-type trucks; (g) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (h) logs; (i) articles of extraordinary value. Between all points and places on and within 10 miles of the following routes: (1) U.S. Highway 101 between Santa Rosa and San Jose, inclusive; (2) California Highway 17 between San Rafael and Los Gatos, inclusive; (3) Interstate Highway 80 between San Francisco and Fairfield, inclusive; (4) U.S. Highway 50 between Hayward and Tracy, inclusive; (5) California Highway 12 between Santa Rosa and junction with Interstate Highway 80, inclusive; (6) California Highway 4 between Pinole and junction with unnumbered highway, approximately 1 mile north of Byron, thence over unnumbered highway through Byron to Tracy, inclusive; (7) California Highway 24 between Oakland and junction with California Highway 4, inclusive; (8) Interstate Highway 680 between Vallejo and Warm Springs, inclusive; and (9) California Highway 29 between Vallejo and Napa, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

State Docket No. A 52907, filed October 5, 1971. Applicant: DALZ LINES, INC., 746 North Sixth Street, San Jose, CA 95108. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco Territory, which is described as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; Northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10-C of Minimum Rate Tariff No. A-4. (2) Automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15269 Filed 10-19-71;8:48 am]

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PART II

UNITED STATES POSTAL SERVICE

■

Purchase of Mail Transportation and Related Services by Contract

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 619—PURCHASE OF MAIL TRANSPORTATION AND RELATED SERVICES BY CONTRACT

Miscellaneous Amendments

In the daily issue of June 30, 1971 (36 F.R. 12432) the Postal Service published regulations relating to the procurement of mail transportation and related services by contract. Amendments to those regulations are hereby promulgated, as set forth below, and are effective upon publication in the FEDERAL REGISTER (10-20-71). These changes are being made for purposes of clarification and for correction of errors in the cited document. In addition, these amendments provide for earlier service starts in cases of emergency transportation needs.

Accordingly, in Part 619 make the following changes:

1. Amend § 619.105-5 to read as follows:

§ 619.105-5 Contract inspection and service start.

Service may not be initiated under any advertised or negotiated contract until 15 days after copies of such contract are available for inspection by having been filed (a) with the Civil Aeronautics Board for air carrier contracts, or the Interstate Commerce Commission for highway or rail contracts; (b) in the office of the contracting officer; (c) in the office of the administrative postal official; and (d) in the case of surface contracts, in post offices along the route to be served at which deposits and/or collections are to be made. This does not apply to emergency contracts, mail handling contracts, or contracts providing for the transportation of mail by surface modes in international service.

2. Amend § 619.106-3 to read as follows:

§ 619.106-3 Service start.

Service may begin as soon as the contractor and the contracting officer have executed a contract. In situations in which service must commence immediately, it may begin after an offer and acceptance have been transmitted by telegraph, provided the following procedures are followed:

(a) Upon reaching a verbal understanding of the rate and nature of service to be provided, the contracting officer will transmit an offer by telegraph to the party selected for award of the contract. This offer will contain, as a minimum:

(1) The exact rate which the Postal Service is offering to pay;

(2) A specific description of the service which will be provided, including among other things, frequencies, running times, volumes to be carried, types of equipment to be used, as appropriate;

(3) A statement that both parties will immediately execute a written contract covering this service; and

(4) A statement that unless the offer is accepted exactly as set forth, the offer will be considered to have been rejected by the aforesaid party.

(b) The party selected for award must telegraph his acceptance of the offer as made. Any attempted revision to the offer or any counteroffer will be considered to be a rejection of the offer by the aforesaid party and the contract will not be awarded to the party to whom the offer was addressed.

(c) These contracts will be converted into written contracts as soon as possible. In addition, in every instance of emergency contracting by telegraph, a full report clearly documenting the circumstances surrounding the situation and justifying resort to this means of contracting will be furnished the Assistant Postmaster General for Engineering and Logistics within 5 days of the date of such contract.

3. Amend § 619.203 *Contract inspection and service start,* to read as follows:

§ 619.203 Contract inspection and service start.

Service may not be initiated under any advertised contract until 15 days after copies of such contract are available for inspection by having been filed (a) with the Civil Aeronautics Board for air carrier contracts, or the Interstate Commerce Commission for highway or rail contracts; (b) in the office of the contracting officer; (c) in the office of the administrative postal official; and, in the case of surface contracts, (d) in post offices along the route to be served at which deposits and/or collections are to be made. This does not apply to emergency contracts, mail handling contracts, or contracts providing for the transportation of mail by surface modes in international service.

4. Amend § 619.204-1 to read as follows:

§ 619.204-1 Posting requirement.

Each advertisement inviting sealed bids for transporting mail shall be posted in post offices along the route to be served at which deposits and/or collections are to be made.

5. In § 619.207-2 *Exceptions,* add new paragraph (d) reading as follows:

§ 619.207-2 Exceptions.

* * * * *

(d) Calls for an annual rate of $1 or less.

§ 619.208-4 [Deleted]

6. Section 619.208-4 *Contract award,* is deleted; and the table of contents to Part 619 is amended to reflect the deletion.

7. Section 619.209 is amended to read as follows:

§ 619.209 Late bids.

Bids received at the office designated in the advertisement for receipt of bids after the time specified for receipt of bids will not be considered unless sent by registered or certified mail and satisfactory evidence is presented to establish that the late receipt was due solely to delay in the mail. However, a modification which makes the terms of the otherwise successful bid more favorable to the Postal Service will be considered at any time it is received and may thereafter be accepted, provided such modification has been approved by the surety.

§ 619.302-2 [Amended]

8. In § 619.302-2 *Experimental, developmental, or research work,* change the cross-reference to § 619.104-7.

§ 619.303-5 [Amended]

9. In § 619.303-5 *Selection of offerors for negotiation and award,* paragraph (b), delete the parenthetical phrase "other than preaward notice of unacceptable proposals;" and in paragraph (c) add the following sentence at the end: "This does not apply to highway and air taxi contracts procured under Subpart 4 of this part. (See § 619.402-8)."

10. Amend § 619.303-81 to read as follows:

§ 619.303-81 General contract filing requirements.

Service may not be initiated under any negotiated contract until 15 days after copies of such contract are available for inspection by having been filed (a) with the Civil Aeronautics Board for air carrier contracts, or the Interstate Commerce Commission for highway or rail-contracts; (b) in the office of the contracting officer; (c) in the office of the administrative postal official; and (d) in the case of surface contracts, in post offices along the route to be served at which deposits and/or collections are to be made. This does not apply to emergency contracts, mail handling contracts, or contracts providing for the transportation of mail by surface modes in international service.

11. Change the caption of Subpart 4 to read "Air Taxi and Highway Transportation Contract Purchasing," and make the same change in the table of contents to Part 619.

12. Section 619.401-23 is amended to read as follows:

§ 619.401-23 Negotiated service.

See Subpart 3 of this part for regulations governing the procurement of transportation contract service by negotiation.

13. In § 619.402-1 When issued, amend paragraph (b) to read as follows:

§ 619.402-1 When issued.

* * * * *

(b) An emergency route is to be placed under an advertised or negotiated contract.

* * * * *

14. In § 619.402-312 *Shuttle service requirements,* amend the opening paragraph to read as follows:

§ 619.402–312 Shuttle service requirements.

On routes where it is contemplated that contractors' equipment may be moved to or from a loading dock or within a facility maneuvering area by Postal Service-owned and operated or contract-owned and operated tractors, the following paragraphs should be included in the advertisements or RFPs:

* * * * *

15. In § 619.402–313 *Numbering,* add the following sentence:

§ 619.402–313 Numbering.

* * * In addition, sectional centers will, when issuing solicitation, precede the advertisement number with their three digit SCF number.

16. In § 619.402–6 *Distribution,* amend paragraph (e) to read as follows:

§ 619.402–6 Distribution.

* * * * *

(e) Copies of advertisements or RFP's will not be sent to individuals or companies or agents of bonding companies except upon request for a specific advertisement or RFP. The contracting officer will maintain a list of individuals and companies who have indicated an interest in bidding or submitting proposals to negotiate. He will use Form 5436, Inquiry of Prospective Bidder, to determine the type of service these individuals and companies are interested in. In lieu of sending them a complete bid package, the contracting officer will prepare a form letter briefly describing the service being advertised to send to interested individuals, companies, or agents of bonding companies. The letter should state that if they are interested in submitting a bid or proposal, they should obtain a bid package from the contracting officer.

17. Section 619.403–12 is amended to read as follows:

§ 619.403–12 Negotiated contracts.

At the time of his execution of the contract, the accepted offeror will be required to furnish an approved bond meeting the requirements of bonds furnished for advertised contracts.

18. Section 619.403–3 is amended to read as follows:

§ 619.403–3 Amount of bond required.

The bond requirement will be stated in each solicitation. The amount of bond required shall in all cases be stated as 25 percent of the bid or successfully offered rate, or $1,000 whichever is larger. All bonds will be rounded off to the next higher $100.

19. Section 619.404–21 *Committee,* is amended to read as follows:

§ 619.404–21 Committee.

The Regional Postmaster General, Senior Assistant Postmaster General, Postmaster or other contracting officer, as appropriate, will appoint an opening committee consisting of three or more executives or employees, at least one of whom will be from the office of the contracting officer. Sufficient committee members will be appointed to assure the presence of the minimum number to provide timely opening of bids. Two or more members will after closing time, conduct the opening as follows:

20. In § 619.404–212 *Bids (and modifications) received after expiration of the time stated in the advertisement,* amend paragraph (d) to read as follows:

§ 619.404–212 Bids (and modifications) received after expiration of the time stated in the advertisement.

* * * * *

(d) Mark bids determined as being aftertime in the upper right corner with the actual date and time of receipt and the initials of the opening and witnessing members. Attach the envelope to the aftertime bid and retain it with the other bids.

§ 619.406–15 [Deleted]

21. Section 619.406–15 *Request for withdrawal of bid,* is deleted; the table of contents to Part 619 is amended to reflect the deletion.

22. In § 619.406–42 *All bids,* amend the opening sentence to read as follows:

§ 619.406–42 All bids.

The contracting officer shall reject all bids under the following circumstances:

* * * * *

23. In § 619.407–1 *Execution of proposal,* amend paragraphs (a) and (b) to read as follows:

§ 619.407–1 Execution of proposal.

(a) When an offeror has arrived at a firm offer to be made to perform the service specified in the RFP, either before or after negotiating sessions, he will complete a Form 5468. The form will reflect the price, which the offeror has offered to perform the specified service for. The offeror will attach a complete description of the service offered to the Form 5468 covering it. In the event that the offeror desires to offer alternative types of service for different prices, he shall complete a Form 5468 for each such type of service. Forms 5468s submitted which do not show a proposed rate or are not accompanied by a description of service offered shall be immediately returned to the offeror.

(b) An offeror may withdraw any previously submitted Form 5468 and may submit new Form 5468s at any time prior to the time set in the RFP for termination of negotiations. Form 5468s received after the time set in the RFP for termination of negotiations shall be rejected.

* * * * *

24. In § 619.407–2 *Acceptance of proposal,* amend paragraph (a) to read as follows:

§ 619.407–2 Acceptance of proposal.

(a) When the contacting officer selects the most advantageous offer, he shall examine the proposal as outlined in § 619.406–2. If the Form 5468 is defectively completed, it shall be returned to the offeror for correction. Offers determined to be most advantageous shall not thereafter be rejected unless it is determined to be the most advantageous shall not thereafter be rejected unless it is determined that the offeror is not eligible (see § 619.403–4); that he is not responsible; that he willfully or negligently failed to perform a former contract; or that rejection is otherwise in the public interest. In the case of such rejection, the file must be fully documented so as to clearly and convincingly establish the grounds for rejection.

* * * * *

25. In § 619.408 *Contract copy distribution,* amend the opening paragraph of paragraph (c) to read as follows:

§ 619.408 Contract copy distribution.

* * * * *

(c) Attach a copy of the advertisement or RFP (Form 5435), a copy of the Contract General Provisions (Form 5411–A) for highway routes and Form 2750 for air taxi routes, a copy of Postal Service Notice 82, and all special addendums and attachments to the bid or offer, thereby forming the contract package. Send a copy of Form 5422 and a copy of the contracting package to:

* * * * *

26. In § 619.409–4 *Selections,* amend paragraph (b) to read as follows:

§ 619.409–4 Selection.

* * * * *

(b) Those operated by a surety or by legal representative of a deceased contractor.

* * * * *

27. In § 619.409–5 *Preparation and execution,* amend paragraph (a) to read as follows:

§ 619.409–5 Preparation and execution.

* * * * *

(a) Address Form 5401, *Instructions for Execution of Form 5410 Contract Route Renewal Bond and Contract,* to the contractor. Send a copy of Form 5401 to the contractor's surety company.

* * * * *

28. In § 619.410–3 *Orders,* amend paragraph (d) (2) to read as follows:

§ 619.410–3 Orders.

* * * * *

(d) * * *

(2) The renewal contract would then be prepared to become effective on the first day following the expiration of the extension period.

29. In § 619.411–21 *Method,* amend paragraph (b) (1) to read as follows:

§ 619.411–21 Method.

* * * * *

(b) * * *

(1) Furnish copies of completed Form 5467, *Proposal and Contract for Emergency Service.*

* * * * *

30. In § 619.703–7 *Service Contract Act,* add the following:

§ 619.703–7 Service Contract Act.

* * * This provision and the Service Contract Act are not applicable to such contracts if the contractor is a terminal company or railroad.

31. Section 619.906 is amended to read as follows:

§ 619.906 American flag preference.

Contracts entered into under this part shall require the transportation of U.S. surface mail for international destination on vessels of U.S. registry except:

(a) When there is no direct service provided by a U.S. registry company and satisfactory service cannot be provided by a U.S. registry company on a transshipment basis, or

(b) When rates charged by the U.S. registry company are noncompetitive and in excess of those rates normally paid by the Postal Service to other U.S. registry companies for the water transportation of mail for comparable distances.

32. Section 619.1001–1 is amended to read as follows:

§ 619.1001–1 Certificated Air Carrier Contracts.

See § 619.104–4 for description.

(39 U.S.C. 401, 404, 410, 2008(c), 5001–5605)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

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PART III

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

TRACK SAFETY STANDARDS

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. RST-1]

PART 213—TRACK SAFETY STANDARDS

The purpose of this amendment is to establish initial safety standards for track and track inspection as required by the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.). Section 202(e) of the Act requires initial safety standards based upon existing railroad safety standards and data.

On June 23, 1971, the Federal Railroad Administration (FRA) issued a Notice of Proposed Rule Making (Docket No. RST-1; Notice 1; 36 F.R. 11974), proposing to establish initial safety standards for track and track inspection. The public was given an opportunity to comment upon the proposal. Numerous inquiries concerning the notice and the public procedure to be followed caused FRA to conclude that further public participation, supplementing the submission of written data, views, and comments, was desirable in this particular proceeding. Accordingly, on July 17, 1971, FRA issued a notice of public hearing (36 F.R. 13276) to be held on August 2, 1971, at its headquarters in Washington, D.C. The hearing was held as scheduled and all parties present were given an opportunity to express their views. At the request of several persons present at the hearing, the time for filing written comments was extended to August 9, 1971. Comments were received from 60 persons, including individual companies, industry groups, labor organizations, and governmental bodies.

After considering all the comments submitted in writing and made at the hearing, FRA has decided that numerous significant changes should be made in the proposed initial track safety standards. These changes are discussed below by individual sections. Many of these changes reflect the FRA's conclusion after carefully reviewing the comments, that some of the proposed initial track safety standards, particularly with respect to the lower classes of track, were in fact preferred or recommended practices from an economic and engineering standpoint rather minimum requirements for safety. In addition, a number of editorial changes and minor clarifying modifications of language have been made. Many comments suggested changes that were beyond the scope of the notice of proposed rule making in this proceeding. Several commenters suggested that a series of variable factors such as population density near the track, gross tonnage of traffic, frequency of use, and passenger operations be considered in prescribing remedies for track deficiencies. Other commenters suggested that because of a superior suspension system and lower center of gravity in passenger cars, passenger trains should be allowed to operate at higher track speeds than freight trains. Some commenters urged that the proposed initial standards be modified with respect to turnouts and track crossings in light of the longer and higher center-of-gravity cars being placed in service. These comments are being considered by FRA and may be the subject of future rule making. It should be kept in mind that the standards issued in this proceeding are initial standards which will be continually reviewed and revised by FRA in light of technical innovation, the results of the FRA research and development program, and experience under these standards. Numerous commenters argued that the speed limit for class 1 track was too low and should be increased to 15 m.p.h. FRA believes that 10 m.p.h. is the maximum safe speed for track which can only meet the minimal requirements for class 1 track. Several commenters suggested that a provision be added to prevent abandonment of track that does not comply with the track safety standards. This suggestion has not been adopted because these standards do not and cannot legally require, authorize or approve abondonment of track. Track abandonments generally are matters within the regulatory jurisdiction of the Interstate Commerce Commission. The changes made and the reasons for those changes follow:

Section 213.3. Two changes were made in this section. The proposed exclusion of track located more than 10 feet inside an installation which is not part of the general railroad system of transportation has been expanded to exclude all such track. However, the exclusion in this section does not preclude exercise of FRA's safety jurisdiction over this track in future rule making proceedings. Paragraph (c) has been rewritten. As proposed, track rebuilt after October 14, 1971, would have been required to meet all of the requirements of this part, as soon as the part became effective. Since the term "rebuilt" is vague and can easily be confused with routine maintenance, that provision has been deleted. FRA has decided that the railroad industry will need additional time to bring its track into compliance with a number of requirements in this part pertaining to track geometry and crossties. The number of ties required to be replaced to bring all track into compliance with these standards exceeds the total number of ties now produced annually. Tie manufacturers will require some time to gear up their production to meet the increased demand generated by these standards and consequently, railroads will encounter delays in securing new ties. A general "reworking" of track to restore it to its original geometric configuration is usually accomplished in conjunction with major tie renewal programs. Therefore, Subpart C and § 213.109 of Subpart D will not become effective with respect to track now in existence until October 16, 1973.

Section 213.5. In response to several comments from track owners who have leased their track to a railroad on a long term basis, paragraphs (b) and (c) have been added to this section to provide for FRA recognition of lessees and other persons responsible for maintaining track in accordance with this part. In addition, a number of minor changes in language were made.

Section 213.33. This section has been been added to paragraphs (a) and (b) to make it clear that qualified persons designated under this section must have authority commensurate with their responsibilities under this part. The language of paragraph (c) has also been revised for clarity and to reflect the requirements of § 213.241.

Section 213.33. This section has been extensively rewritten but has not been changed in substance.

Section 213.35. This section has been eliminated in its entirety because its language was considered too vague to constitute an effective safety standard.

Section 213.37. Language has been added to make clear that this section applies only to vegetation on railroad property. The reference to drainage facilities was eliminated because the subject is covered adequately in § 213.33.

Section 213.39. This section has been deleted because its language was considered too vague to constitute an effective safety standard.

Section 213.53. The last sentence of paragraph of proposed paragraph (a) has been deleted as surplusage. In paragraph (b) the maximum gage limit for curved track in classes 2 through 5 has been increased one-fourth of an inch. In addition, the last two columns of the table prescribing minimum and maximum gage limits for frogs and track crossings have been deleted. FRA believes that the first four columns of this table coupled with the requirements of § 213.143 are sufficient to provide safety. Paragraph (c) has been deleted in its entirety. The large number of comments on this proposal persuaded FRA that the matter of variation in gage deserves further study.

Section 213.55. The table prescribing the maximum deviation from uniformity of alinement has been revised. All of the proposed maximum deviations, except those for classes 5 and 6 curved track, have been increased because the proposed maxima were more restrictive than required for safety.

Section 213.61. Class 3 track as well as classes 1 and 2 have been excluded from the requirements of this section.

Section 213.63. Comments on this proposed section have convinced FRA that it is too restrictive. Accordingly, all of the maxima have been increased in classes 1 through 3 track and several maxima have been increased in classes 4 and 5 track. In addition, the footnote relating to the determination of cross level has been deleted as surplusage.

Sections 213.105 and 213.107. A broad range of critical comments were made concerning these sections. One commenter stated that the proposed ballast specification for ballast sections of crushed rock or crushed slag should be deleted unless similar specifications are prescribed for other ballast materials under proposed § 213.107. Many types of

ballast material are used to support railroad track. The amount of each ballast material needed is dependent upon widely variable factors such as soil characteristics, subgrade conditions, terrain, ties, rails, etc. FRA is currently engaged in an extensive track safety research and development program to develop specifications for ballast and other track and roadbed components. Accordingly, it has concluded that § 213.105 (a), (b), and (c) prescribing specifications for crushed rock or crushed slag ballast sections, and § 213.107, its counterpart for other ballast materials, should be deleted. Proposed paragraph (d) has been redesignated § 213.105.

Sections 213.109 and 213.111. Both of these sections have been extensively rewritten and consolidated into § 213.109. Paragraphs (b) and (c) of proposed § 213.109 and paragraph (b) of § 213.111 have been deleted. As suggested by a commenter, they have been replaced by a single table which specifies (1) the minimum number of nondefective ties required in any 39 feet of track and under a joint, and (2) the maximum distance allowed between nondefective ties measured from center to center of each tie. FRA believes this manner of expressing crosstie requirements is superior because it is more concise, easier to understand, and requires all track in each class to have the same minimum number of nondefective ties regardless of the number of ties originally installed.

Section 213.113. A number of commenters indicated that the table in paragraph (a) was unduly restrictive because it failed to take into account the size, location, and characteristics of each defect, and suggested lesser restrictions for smaller and less severe defects. Because of serious accident potential inherent in these defects, FRA has made no changes to this table. However, the table in paragraph (b) has been changed by limiting its requirements to classes 3 through 6 track and class 2 track on which passenger trains operate. A 20 m.p.h. speed limit has been imposed on track containing rails scheduled for replacement. The inspection requirements for rails not required to be replaced have been changed to require visual inspections every 6 or 12 months, depending upon the condition.

Sections 213.115 and 213.117. The numbers in the tables of both sections have been adjusted because comments convinced FRA that the numbers proposed were more restrictive than necessary for safety.

Section 213.119. For clarity the language of paragraph (a) has been changed as suggested by one commenter. No substantive change is intended.

Section 213.121. Paragraph (b) has been limited to classes 3 through 6 track. In addition, paragraph (d) has been changed to require at least two bolts at each joint in classes 2 through 6 conventional jointed track, and at least one bolt in class 1 track. Paragraph (e) has been changed to require at least two bolts at each joint in continuous welded rail track. Paragraph (f) has been changed by deleting the requirement that track bolts be tightened to a tension of not more than 30,000 pounds or less than 5,000 pounds, because commenters indicated there is no practical way to measure track bolt tension after the bolts have been applied. Moreover, some rail fastenings are designed to be tightened to a much higher tension. Paragraph (g) has been limited to classes 3 through 6 track.

Section 213.123. Several commenters noted that numerous short line railroads have operated safely for years without any tie plates on their track. Another commenter indicated that much of the low-speed track on larger railroads does not have tie plates and argued that the use of tie plates on such track is wholly a question of economics, not of safety. FRA agrees with these comments and has deleted proposed paragraph (a) and eliminated tie plate requirements for classes 1 and 2 track in proposed paragraph (b).

Section 213.125. The words "caused by temperature changes" have been deleted as surplusage, as suggested by one commenter.

Section 213.127. The minimum number of spikes per rail per tie prescribed in the table of proposed paragraph (a) has been reduced by one spike with respect to certain curved track in classes 2 through 5.

Section 213.129. The requirement in paragraph (a) that track shims be "prebored" has been deleted. In addition, paragraph (c) has been changed to require secure bracing on at least every third tie for the full length of the shimming when a rail is shimmed more than 1½ inches.

Section 213.133. Class 3 track has been deleted from paragraph (b) as suggested by a commenter.

Section 213.135. Paragraph (d) has been amended to allow other fastenings to be used to secure the heel of switch rails. This change was suggested by a number of commenters who pointed out that other fastenings are commonly used for this purpose and have caused no safety problems.

Section 213.137. Paragraph (b) has been changed by substituting a five-eighths-inch limit for the proposed three-eighths-inch limit, as suggested by two commenters.

Section 213.139. The requirement in paragraph (b) that each worn thimble or shoulder bolt be replaced has been deleted as impractical, since these parts all wear to some extent after they have been installed.

Section 213.141. Subparagraph (b) has been stricken because it conflicts with the requirements of § 213.137.

Section 213.143. The guard check gage limits for classes 1 through 4 track have been reduced by one-eighth of an inch and the guard face gage limits for classes 3 and 4 track have been increased by one-eighth of an inch. These changes were suggested, in part, by commenters.

Subpart E. Except for derails and switch heaters, the proposed minimum requirements for track appliances and track-related devices have been withdrawn pending further study. Accordingly, § 213.203 has been deleted.

Section 213.233. Several changes have been made in the table in paragraph (c). The required frequency for inspection of class 6 track has been changed from the proposed three times weekly to twice weekly. In addition, a requirement has been imposed there must be at least a 3 calendar day interval between weekly inspections, a 1 calendar day interval between twice weekly inspections; and a 20 calendar day interval between monthly inspections.

Section 213.237. Class 3 track and class 2 track over which passenger trains operate have been deleted from the requirements of paragraph (a). The words "and in welds" in paragraph (b) have been deleted because of the limited capability of present inspection devices to detect defects in welds.

Appendix A. The following minor errors have been corrected in the table: (1) The maximum allowable operating speed for a 2°45′ curve having an outer rail elevation of 5 inches has been increased from 64 to 65 m.p.h.; (2) the maximum allowable operating speed for a 7° curve having 6 inches outer rail elevation has been increased from 42 to 43 m.p.h.; and (3) the maximum allowable operating speed for a 10° curve having 2½ inches outer rail elevation has been decreased from 29 to 28 m.p.h.

In consideration of the foregoing, Chapter II of Subtitle B of Title 49 of the Code of Federal Regulations is amended by adding a Part 213 to read as follows, effective December 1, 1971. This amendment is issued under 84 Stat. 971, et. seq., 45 U.S.C. 421, et. seq.; and, § 1.49(n) Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C., on October 15, 1971.

JOHN W. INGRAM,
Administrator.

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APPENDIX A—MAXIMUM ALLOWABLE OPERATING SPEEDS FOR CURVED TRACK

AUTHORITY: The provisions of this Part 213 issued under sections 202 and 209, 84 Stat. 971, 975; 45 U.S.C. 431 and 438 and § 1.49(n) of the Regulations of the Office of the Secretary of Transportation; 49 CFR 1.49(n).

Subpart A—General

§ 213.1 Scope of part.

This part prescribes initial minimum safety requirements for railroad track that is part of the general railroad system of transportation. The requirements prescribed in this part apply to specific track conditions existing in isolation. Therefore, a combination of track conditions, none of which individually amounts to a deviation from the requirements in this part, may require remedial action to provide for safe operations over that track.

§ 213.3 Application.

(a) Except as provided in paragraphs (b) and (c) of this section, this part applies to all standard gage track in the general railroad system of transportation.

(b) This part does not apply to track—

(1) Located inside an installation which is not part of the general railroad system of transportation; or

(2) Used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

(c) Until October 16, 1972, Subparts A, B, D (except § 213.109), E, and F of this part do not apply to track constructed or under construction before October 15, 1971. Until October 16, 1973, Subpart C and § 213.109 of Subpart D do not apply to track constructed or under construction before October 15, 1971.

§ 213.5 Responsibility of track owners.

(a) Any owner of track to which this part applies who knows or has notice that the track does not comply with the requirements of this part, shall—

(1) Bring the track into compliance; or

(2) Halt operations over that track.

(b) If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), any party to that assignment may petition the Federal Railroad Administrator to recognize the person to whom that responsibility is assigned for purposes of compliance with this part. Each petition must be in writing and include the following—

(1) The name and address of the track owner;

(2) The name and address of the person to whom responsibility is assigned (assignee);

(3) A statement of the exact relationship between the track owner and the assignee;

(4) A precise identification of the track;

(5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and

(6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part.

(c) If the Administrator is satisfied that the assignee is competent and able to carry out the duties and responsibilities of the track owner under this part, he may grant the petition subject to any conditions he deems necessary. If the Administrator grants a petition under this section, he shall so notify the owner and the assignee. After the Administrator grants a petition, he may hold the track owner or the assignee or both responsible for compliance with this part and subject to penalties under § 213.15.

§ 213.7 Designation of qualified persons to supervise certain renewals and inspect track.

(a) Each track owner to which this part applies shall designate qualified persons to supervise restorations and renewals of track under traffic conditions. Each person designated must have—

(1) At least 1 year of supervisory experience in railroad track maintenance; and

(2) Demonstrated to the owner that he—

(i) Knows and understands the requirements of this part;

(ii) Can detect deviations from those requirements; and

(iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this part.

(b) Each track owner to which this part applies shall designate qualified persons to inspect track for defects. Each person designated must have—

(1) At least 1 year of experience in railroad track inspection; and

(2) Demonstrated to the owner that he—

(i) Knows and understands the requirements of this part;

(ii) Can detect deviations from those requirements; and

(iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this part, pending review by a qualified person designated under paragraph (a) of this section.

(c) With respect to designations under paragraphs (a) and (b) of this section, each track owner must maintain written records of—

(1) Each designation in effect;

(2) The basis for each designation; and

(3) Track inspections made by each designated qualified person as required by § 213.241.

These records must be kept available for inspection or copying by the Federal Railroad Administrator during regular business hours.

§ 213.9 Classes of track: operating speed limits.

(a) Except as provided in paragraph (b) of this section and §§ 213.57(b), 213.59(a), 213.105, 213.113 (a) and (b), and 213.137 (b) and (c), the following maximum allowable operating speeds apply:

Over track that meets all of the requirements prescribed in this part for—	*The maximum allowable operating speed is—*
Class 1 track	10 m.p.h.
Class 2 track	25 m.p.h.
Class 3 track	40 m.p.h.
Class 4 track	60 m.p.h.
Class 5 track	80 m.p.h.
Class 6 track	110 m.p.h.

(b) If a segment of track does not meet all of the requirements for its intended class, it is reclassified to the next lowest class of track for which it does meet all of the requirements of this part. However, if it does not at least meet the requirements for class 1 track, no operations may be conducted over that segment except as provided in § 213.11.

§ 213.11 Restoration or renewal of track under traffic conditions.

If, during a period of restoration or renewal, track is under traffic conditions and does not meet all of the requirements prescribed in this part, the work and operations on the track must be under the continuous supervision of a person designated under § 213.7(a).

§ 213.13 Measuring track not under load.

To determine compliance with requirements of this part, the amount of rail

movement under load must be added to all measurements of track not under load.

§ 213.15 Civil penalty.

(a) Any owner of track to which this part applies, or any person held by the Federal Railroad Administrator to be responsible under § 213.5(c), who violates any requirement prescribed in this part is subject to a civil penalty of at least $250 but not more than $2,500.

(b) For the purpose of this section, each day a violation persists shall be treated as a separate offense.

§ 213.17 Exemptions.

(a) Any owner of track to which this part applies may petition the Federal Railroad Administrator for exemption from any or all requirements prescribed in this part.

(b) Each petition for exemption under this section must be filed in the manner and contain the information required by § 211.11 of this chapter.

(c) If the Administrator finds that an exemption is in the public interest and is consistent with railroad safety, he may grant the exemption subject to any conditions he deems necessary. Notice of each exemption granted is published in the FEDERAL REGISTER together with a statement of the reasons therefor.

Subpart B—Roadbed

§ 213.31 Scope.

This subpart prescribes minimum requirements for roadbed and areas immediately adjacent to roadbed.

§ 213.33 Drainage.

Each drainage or other water carrying facility under or immediately adjacent to the roadbed must be maintained and kept free of obstruction, to accommodate expected water flow for the area concerned.

§ 213.37 Vegetation.

Vegetation on railroad property which is on or immediately adjacent to roadbed must be controlled so that it does not—

(a) Become a fire hazard to track-carrying structures;

(b) Obstruct visibility of railroad signs and signals;

(c) Interfere with railroad employees performing normal trackside duties;

(d) Prevent proper functioning of signal and communication lines; or

(e) Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.

Subpart C—Track Geometry

§ 213.51 Scope.

This subpart prescribes requirements for the gage, alinement, and surface of track, and the elevation of outer rails and speed limitations for curved track.

§ 213.53 Gage.

(a) Gage is measured between the heads of the rails at right angles to the rails in a plane five-eighths of an inch below the top of the rail head.

(b) Gage must be within the limits prescribed in the following table:

Class of track	The gage of tangent track must be—		The gage of curved track must be—	
	At least—	But not more than—	At least—	But not more than—
1	4′ 8″	4′ 9¼″	4′ 8″	4′ 9¼″
2 and 3	4′ 8″	4′ 9¼″	4′ 8″	4′ 9¼″
4	4′ 8″	4′ 9½″	4′ 8″	4′ 9½″
5	4′ 8″	4′ 9″	4′ 8″	4′ 9¼″
6	4′ 8″	4′ 8¾″	4′ 8″	4′ 9″

§ 213.55 Alinement.

Alinement may not deviate from uniformity more than the amount prescribed in the following table:

Class of track	Tangent track: The deviation of the mid-offset from 62-foot line [1] may not be more than—	Curved track: The deviation of the mid-ordinate from 62-foot chord [2] may not be more than—
1	5″	5″
2	3″	3″
3	1¾″	1¾″
4	1½″	1½″
5	¾″	¾″
6	½″	⅝″

[1] The ends of the line must be at points on the gage side of the line rail, five-eighths of an inch below the top of the railhead. Either rail may be used as the line rail, however, the same rail must be used for the full length of that tangential segment of track.

[2] The ends of the chord must be at points on the gage side of the outer rail, five-eighths of an inch below the top of the railhead.

§ 213.57 Curves; elevation and speed limitations.

(a) Except as provided in § 213.63, the outside rail of a curve may not be lower than the inside rail or have more than 6 inches of elevation.

(b) The maximum allowable operating speed for each curve is determined by the following formula:

$$V_{max}=\sqrt{\frac{E_a+3}{0.0007d}}$$

where

V_{max}=Maximum allowable operating speed (miles per hour).

E_a=Actual elevation of the outside rail (inches).

d=Degree of curvature (degrees).

Appendix A is a table of maximum allowable operating speed computed in accordance with this formula for various elevations and degrees of curvature.

§ 213.59 Elevation of curved track; runoff.

(a) If a curve is elevated, the full elevation must be provided throughout the curve, unless physical conditions do not permit. If elevation runoff occurs in a curve, the actual minimum elevation must be used in computing the maximum allowable operating speed for that curve under § 213.57(b).

(b) Elevation runoff must be at a uniform rate, within the limits of track surface deviation prescribed in § 213.63, and it must extend at least the full length of the spirals. If physical conditions do not permit a spiral long enough to accommodate the minimum length of runoff, part of the runoff may be on tangent track.

§ 213.61 Classes 4 through 6 curved track; data and markings.

(a) Each owner of track to which this part applies shall maintain a record of each curve in its classes 4 through 6 track. The record must contain the following information:

(1) Location;

(2) Degree of curvature;

(3) Designated elevation;

(4) Designated length of elevation runoff; and

(5) Maximum allowable operating speed.

(b) Each owner of track to which this part applies shall mark, by monument, metal tag, or other permanent means, the maximum and minimum points in the elevation transition on each curve in its classes 4 through 6 track.

§ 213.63 Track surface.

Each owner of track to which this part applies shall maintain the surface of its track within the limits prescribed in the following table:

Track surface	Class of track: 1	2	3	4	5	6
The runoff in any 31 feet of rail at the end of a raise may not be more than	3½″	3″	2″	1½″	1″	½″
The deviation from uniform profile on either rail at the midordinate of a 62-foot chord may not be more than	3″	2¾″	2¼″	2″	1¼″	½″
Deviation from designated elevation on spirals may not be more than	1¾″	1½″	1¼″	1″	¾″	½″
Variation in cross level on spirals in any 31 feet may not be more than	2″	1¾″	1¼″	1″	¾″	½″
Deviation from zero cross level at any point on tangent or from designated elevation on curves between spirals may not be more than	3″	2″	1¼″	1¼″	1″	½″
The difference in cross level between any two points less than 62 feet apart on tangents and curves between spirals may not be more than	3″	2″	1¼″	1¼″	1″	⅝″

Subpart D—Track Structure

§ 213.101 Scope.

This subpart prescribes minimum requirements for ballast, crossties, track assembly fittings, and the physical condition of rails.

§ 213.103 Ballast; general.

Unless it is otherwise structurally supported, all track must be supported by material which will—

(a) Transmit and distribute the load of the track and railroad rolling equipment to the subgrade;

(b) Restrain the track laterally, longitudinally, and vertically under dynamic loads imposed by railroad rolling equipment and thermal stress exerted by the rails;

(c) Provide adequate drainage for the track; and

(d) Maintain proper track cross-level, surface, and alinement.

§ 213.105 Ballast; disturbed track.

If track is disturbed, a person designated under § 213.7 shall examine the track to determine whether or not the ballast is sufficiently compacted to perform the functions described in § 213.103. If the person making the examination considers it to be necessary in the interest of safety, operating speed over the disturbed segment of track must be reduced to a speed that he considers safe.

§ 213.109 Crossties.

(a) Crossties may be made of any material to which rails can be securely fastened. The material must be capable of holding the rails to gage within the limits prescribed in § 213.53(b) and distributing the load from the rails to the ballast section.

(b) A timber crosstie is considered to be defective when it is—

(1) Broken through;

(2) Split or otherwise impaired to the extent it will not hold spikes or will allow the ballast to work through;

(3) So deteriorated that the tie plate or base of rail can move laterally more than one-half inch relative to the crosstie;

(4) Cut by the tie plate through more than 40 percent of its thickness; or

(5) Not spiked as required by § 213.127.

(c) If timber crossties are used, each 39 feet of track must be supported by nondefective ties as set forth in the following table:

Class of track	Minimum number of nondefective ties		Maximum distance between non-defective ties (center to center)
	Total	Under a joint	
1	5	1	100"
2, 3	8	1	70"
4, 5	12	2	45"
6	14	2	45"

(d) Except in an emergency or for a temporary installation of not more than 6 months duration, crossties may not be interlaced to take the place of switch ties.

§ 213.113 Defective rails.

(a) If an owner of track to which this part applies learns, through inspection or otherwise, that a rail in that track contains any of the defects listed in the following table, a person designated under § 213.7 shall determine whether or not the track may continue in use. If he determines that the track may continue in use, operating speed over the defective rail may not be more than that prescribed in the table until the defective rail is replaced:

Defect	*Until defective rail is replaced, operating speed over that rail may not be more than—*
Transverse fissure Compound fissure Horizontal split head Vertical split head Split web Piped rail Bolt hole crack Head web separation Broken base	10 m.p.h.
Detail fracture Engine burn fracture Ordinary break Broken or defective weld Damaged rail	10 m.p.h., unless fully bolted angle bars are applied to the defective rail, in which case operating speed may not be more than 50 m.p.h. or the maximum allowable operating speed otherwise prescribed in § 213.9 for the class of track concerned, whichever is lower.

(b) If a rail in classes 3 through 6 track or class 2 track on which passenger trains operate evidences any of the conditions listed in the following table, the remedial action prescribed in the table must be taken:

Condition	Remedial action	
	If a person designated under § 213.7 determines that condition requires rail to be replaced	If a person designated under § 213.7 determines that condition does not require rail to be replaced
Shelly spots Head checks Engine burn (but not fracture). Mill defect	Limit speed to 20 m.p.h. and schedule the rail for replacement.	Inspect the rail for internal defects at intervals of not more than every 12 months.
Flaking Slivered Corrugated Corroded	----do----	Inspect the rail at intervals of not more than every 6 months.

(c) As used in this section—

(1) "Transverse Fissure" means a progressive crosswise fracture starting from a crystalline center or nucleus inside the head from which it spreads outward as a smooth, bright, or dark, round or oval surface substantially at a right angle to the length of the rail. The distinguishing features of a transverse fissure from other types of fractures or defects are the crystalline center or nucleus and the nearly smooth surface of the development which surrounds it.

(2) "Compound Fissure" means a progressive fracture originating in a horizontal split head which turns up or down in the head of the rail as a smooth, bright, or dark surface progressing until substantially at a right angle to the length of the rail. Compound fissures require examination of both faces of the fracture to locate the horizontal split head from which they originate.

(3) "Horizontal Split Head" means a horizontal progressive defect originating inside of the rail head, usually one-quarter inch or more below the running surface and progressing horizontally in all directions, and generally accompanied by a flat spot on the running surface. The defect appears as a crack lengthwise of the rail when it reaches the side of the rail head.

(4) "Vertical Split Head" means a vertical split through or near the middle of the head, and extending into or through it. A crack or rust streak may show under the head close to the web or pieces may be split off the side of the head.

(5) "Split Web" means a lengthwise crack along the side of the web and extending into or through it.

(6) "Piped Rail" means a vertical split in a rail, usually in the web, due to failure of the sides of the shrinkage cavity in the ingot to unite in rolling.

(7) "Broken Base" means any break in the base of a rail.

(8) "Detail Fracture" means a progressive fracture originating at or near the surface of the rail head. These fractures should not be confused with transverse fissures, compound fissures, or other defects which have internal origins. Detail fractures may arise from shelly spots, head checks, or flaking.

(9) "Engine Burn Fracture" means a progressive fracture originating in spots where driving wheels have slipped on top of the rail head. In developing downward they frequently resemble the compound or even transverse fissure with which they should not be confused or classified.

(10) "Ordinary Break" means a partial or complete break in which there is no sign of a fissure, and in which none of the other defects described in this paragraph are found.

(11) "Damaged rail" means any rail broken or injured by wrecks, broken, flat, or unbalanced wheels, slipping, or similar causes.

(12) "Shelly spots" means a condition where a thin (usually three-eighths inch in depth or less) shell-like piece of surface metal becomes separated from the parent metal in the railhead, generally at the gage corner. It may be evidenced by a black spot appearing on the railhead over the zone of separation or a piece of metal breaking out completely, leaving a shallow cavity in the railhead. In the case of a small shell there may be no surface evidence, the existence of the shell being apparent only after the rail is broken or sectioned.

(13) "Head checks" mean hair fine cracks which appear in the gage corner of the rail head, at any angle with the

length of the rail. When not readily visible the presence of the checks may often be detected by the raspy feeling of their sharp edges.

(14) "Flaking" means small shallow flakes of surface metal generally not more than one-quarter inch in length or width break out of the gage corner of the railhead.

§ 213.115 Rail end mismatch.

Any mismatch of rails at joints may not be more than that prescribed by the following table:

Class of track	Any mismatch of rails at joints may not be more than the following—	
	On the trend of the rail ends (inch)	On the gage side of the rail ends (inch)
1	¼	¼
2	¼	5/16
3	5/16	5/16
4, 5	⅜	⅜
6	⅜	⅜

§ 213.117 Rail end batter.

(a) Rail end batter is the depth of depression at one-half inch from the rail end. It is measured by placing an 18-inch straightedge on the tread on the rail end, without bridging the joint, and measuring the distance between the bottom of the straightedge and the top of the rail at one-half inch from the rail end.

(b) Rail end batter may not be more than that prescribed by the following table:

Class of track	*Rail end batter may not be more than— (inch)*
1	½
2	3/8
3	3/8
4	¼
5	⅛
6	⅛

§ 213.119 Continuous welded rail.

(a) When continuous welded rail is being installed, it must be installed at, or adjusted for, a rail temperature range that should not result in compressive or tensile forces that will produce lateral displacement of the track or pulling apart of rail ends or welds.

(b) After continuous welded rail has been installed it should not be disturbed at rail temperatures higher than its installation or adjusted installation temperature.

§ 213.121 Rail joints.

(a) Each rail joint, insulated joint, and compromise joint must be of the proper design and dimensions for the rail on which it is applied.

(b) If a joint bar on classes 3 through 6 track is cracked, broken, or because of wear allows vertical movement of either rail when all bolts are tight, it must be replaced.

(c) If a joint bar is cracked or broken between the middle two bolt holes it must be replaced.

(d) In the case of conventional jointed track, each rail must be bolted with at least two bolts at each joint in classes 2 through 6 track, and with at least one bolt in class 1 track.

(e) In the case of continuous welded rail track, each rail must be bolted with at least two bolts at each joint.

(f) Each joint bar must be held in position by track bolts tightened to allow the joint bar to firmly support the abutting rail ends and to allow longitudinal movement of the rail in the joint to accommodate expansion and contraction due to temperature variations. When out-of-face, no-slip, joint-to-rail contact exists by design, the requirements of this paragraph do not apply. Those locations are considered to be continuous welded rail track and must meet all the requirements for continuous welded rail track prescribed in this part.

(g) No rail or angle bar having a torch cut or burned bolt hole may be used in classes 3 through 6 track.

§ 213.123 Tie plates.

(a) In classes 3 through 6 track where timber crossties are in use there must be tie plates under the running rails on at least eight of any 10 consecutive ties.

(b) Tie plates having shoulders must be placed so that no part of the shoulder is under the base of the rail.

§ 213.125 Rail anchoring.

Longitudinal rail movement must be effectively controlled. If rail anchors which bear on the sides of ties are used for this purpose, they must be on the same side of the tie on both rails.

§ 213.127 Track spikes.

(a) When conventional track is used with timber ties and cut track spikes, the rails must be spiked to the ties with at least one line-holding spike on the gage side and one line-holding spike on the field side. The total number of track spikes per rail per tie, including plate-holding spikes, must be at least the number prescribed in the following table:

Class of track	Minimum number of track spikes per rail per tie, including plate-holding spikes			
	Tangent track and curved track with not more than 2° of curvature	Curved track with more than 2° but not more than 4° of curvature	Curved track with more than 4° but not more than 6° of curvature	Curved track with more than 6° of curvature
1	2	2	2	2
2	2	2	2	3
3	2	2	3	3
4, 5	3	3	3	----
6	3	----	----	----

(b) A tie that does not meet the requirements of paragraph (a) of this section is considered to be defective for the purposes of § 213.109(b).

§ 213.129 Track shims.

(a) If track does not meet the geometric standards in Subpart C of this part and working of ballast is not possible due to weather or other natural conditions, track shims may be installed to correct the deficiencies. If shims are used, they must be removed and the track resurfaced as soon as weather and other natural conditions permit.

(b) When shims are used they must be—

(1) At least the size of the tie plate;

(2) Inserted directly on top of the tie, beneath the rail and tie plate;

(3) Spiked directly to the tie with spikes which penetrate the tie at least 4 inches.

(c) When a rail is shimmed more than 1½ inches, it must be securely braced on at least every third tie for the full length of the shimming.

(d) When a rail is shimmed more than 2 inches a combination of shims and 2-inch or 4-inch planks, as the case may be, must be used with the shims on top of the planks.

§ 213.131 Planks used in shimming.

(a) Planks used in shimming must be at least as wide as the tie plates, but in no case less than 5½ inches wide. Whenever possible they must extend the full length of the tie. If a plank is shorter than the tie, it must be at least 3 feet long and its outer end must be flush with the end of the tie.

(b) When planks are used in shimming on uneven ties, or if the two rails being shimmed heave unevenly, additional shims may be placed between the ties and planks under the rails to compensate for the unevenness.

(c) Planks must be nailed to the ties with at least four 8-inch wire spikes. Before spiking the rails or shim braces, planks must be bored with ⅝-inch holes.

§ 213.133 Turnouts and track crossings generally.

(a) The fastenings in turnouts and track crossings must be in place, tight and in sound condition, and each switch, frog, and guard rail must be kept free of obstructions that may interfere with the passage of wheels.

(b) Classes 4 through 6 track must be equipped with rail anchors through and on each side of track crossings and turnouts, to restrain rail movement affecting the position of switch points and frogs.

(c) Each flangeway at turnouts and track crossings must be at least 1½ inches wide.

§ 213.135 Switches.

(a) Each stock rail must be securely seated in switch plates, but care must be used to avoid canting the rail by overtightening the rail braces.

(b) Each switch point must fit its stock rail properly, with the switch stand in either of its closed positions to allow wheels to pass the switch point. Lateral and vertical movement of a stock rail in the switch plates or of a switch plate on a tie must not adversely affect the fit of the switch point to the stock rail.

(c) Each switch must be maintained so that the outer edge of the wheel tread cannot contact the gage side of the stock rail.

(d) The heel of each switch rail must be secure and the bolts in each heel must be kept tight.

(e) Each switch stand and connecting rod must be securely fastened and operable without excessive lost motion.

(f) Each throw lever must be maintained so that it cannot be operated with the lock or keeper in place.

(g) Each switch position indicator must be clearly visible at all times.

(h) Unusually chipped or worn switch points must be repaired or replaced. Metal flow must be removed to insure proper closure.

§ 213.137 Frogs.

(a) The flangeway depth measured from a plane across the wheel-bearing area of a frog on class 1 track may not be less than 1⅜ inches, or less than 1½ inches on classes 2 through 6 track.

(b) If a frog point is chipped, broken, or worn more than five-eighths inch down and 6 inches back, operating speed over that frog may not be more than 10 miles per hour.

(c) If the tread portion of a frog casting is worn down more than three-eighths inch below the original contour, operating speed over that frog may not be more than 10 miles per hour.

§ 213.139 Spring rail frogs.

(a) The outer edge of a wheel tread may not contact the gage side of a spring wing rail.

(b) The toe of each wing rail must be solidly tamped and fully and tightly bolted.

(c) Each frog with a bolt hole defect or head-web separation must be replaced.

(d) Each spring must have a tension sufficient to hold the wing rail against the point rail.

(e) The clearance between the hold-down housing and the horn may not be more than one-fourth of an inch.

§ 213.141 Self-guarded frogs.

(a) The raised guard on a self-guarded frog may not be worn more than three-eighths of an inch.

(b) If repairs are made to a self-guarded frog without removing it from service, the guarding face must be restored before rebuilding the point.

§ 213.143 Frog guard rails and guard faces; gage.

The guard check and guard face gages in frogs must be within the limits prescribed in the following table:

Class of track	Guard check gage: The distance between the gage line of a frog to the guard line [1] of its guard rail or guarding face, measured across the track at right angles to the gage line, [2] may not be less than—	Guard face gage: The distance between guard lines, [1] measured across the track at right angles to the gage line, [2] may not be more than—
1	4′ 6⅛″	4′ 5¼″
2	4′ 6¼″	4′ 5⅜″
3, 4	4′ 6⅜″	4′ 5⅜″
5, 6	4′ 6½″	4′ 5″

[1] A line along that side of the flangeway which is nearer to the center of the track and at the same elevation as the gage line.

[2] A line ⅝ inch below the top of the center line of the head of the running rail, or corresponding location of the tread portion of the track structure.

Subpart E—Track Appliances and Track-Related Devices

§ 213.201 Scope.

This subpart prescribes minimum requirements for certain track appliances and track-related devices.

§ 213.205 Derails.

(a) Each derail must be clearly visible. When in a locked position a derail must be free of any lost motion which would allow it to be operated without removing the lock.

(b) When the lever of a remotely controlled derail is operated and latched it must actuate the derail.

§ 213.207 Switch heaters.

The operation of a switch heater must not interfere with the proper operation of the switch or otherwise jeopardize the safety of railroad equipment.

Subpart F—Inspection

§ 213.231 Scope.

This subpart prescribes requirements for the frequency and manner of inspecting track to detect deviations from the standards prescribed in this part.

§ 213.233 Track inspections.

(a) All track must be inspected in accordance with the schedule prescribed in paragraph (c) of this section by a person designated under § 213.7.

(b) Each inspection must be made on foot or by riding over the track in a vehicle at a speed that allows the person making the inspection to visually inspect the track structure for compliance with this part. If a vehicle is used, the speed of the vehicle may not be more than 5 miles per hour when passing over track crossings, highway crossings, or switches.

(c) Each track inspection must be made in accordance with the following schedule:

Class of track	Type of track	Required frequency
1, 2, 3	Main track and sidings.	*Weekly* with at least 3 calendar days interval between inspections, or *before use*, if the track is used less than once a week, or *twice weekly* with at least 1 calendar day interval between inspections, if the track carries passenger trains or more than 10 million gross tons of traffic during the preceding calendar year.
1, 2, 3	Other than main track and sidings.	*Monthly* with at least 20 calendar days interval between inspections.
4, 5, 6		*Twice weekly* with at least 1 calendar day interval between inspections.

(d) If the person making the inspection finds a deviation from the requirements of this part, he shall immediately initiate remedial action.

§ 213.235 Switch and track crossing inspections.

(a) Except as provided in paragraph (b) of this section, each switch and track crossing must be inspected on foot at least monthly.

(b) In the case of track that is used less than once a month, each switch and track crossing must be inspected on foot before it is used.

§ 213.237 Inspection of rail.

(a) In addition to the track inspections required by § 213.233, at least once a year a continuous search for internal defects must be made of all jointed and welded rails in classes 4 through 6 track, and class 3 track over which passenger trains operate.

(b) Inspection equipment must be capable of detecting defects between joint bars, in the area enclosed by joint bars.

(c) Each defective rail must be marked with a highly visible marking on both sides of the web and base.

§ 213.239 Special inspections.

In the event of fire, flood, severe storm, or other occurrence which might have damaged track structure, a special inspection must be made of the track involved as soon as possible after the occurrence.

§ 213.241 Inspection records.

(a) Each owner of track to which this part applies shall keep a record of each track inspection and each rail inspection required to be performed on that track under this subpart.

(b) Track inspection records must be prepared on a daily basis and signed by the person making the inspection. The records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken. The owner shall retain a track inspection record at its division headquarters for at least 1 year after the inspection covered by that record.

(c) Rail inspection records must specify the location and nature of any internal rail defects found and the remedial action taken. The owner shall retain a rail inspection record for at least 2 years after the inspection.

(d) Each owner required to keep inspection records under this section shall make those records available for inspection and copying by the Federal Railroad Administrator.

APPENDIX A—MAXIMUM ALLOWABLE OPERATING SPEEDS FOR CURVED TRACK

Degree of Curvature	Elevation of outer rail (inches)												
	0	½	1	1½	2	2½	3	3½	4	4½	5	5½	6
	Maximum allowable operating speed (mph)												
0°20'	93	100	107										
0°40'	80	87	93	98	103	109							
0°50'	72	78	83	88	93	97	101	106	110				
1°00'	66	71	76	80	85	89	93	96	100	104	107	110	
1°15'	59	63	68	72	76	79	83	86	89	93	96	99	101
1°30'	54	58	62	66	69	72	76	79	82	85	87	90	93
1°45'	50	54	57	61	64	67	70	73	76	78	81	83	86
2°00'	46	50	54	57	60	63	66	68	71	73	76	78	80
2°15'	44	47	50	54	56	59	62	64	67	69	71	74	76
2°30'	41	45	48	51	54	56	59	61	63	66	68	70	72
2°45'	40	43	46	48	51	54	56	58	60	62	65	66	68
3°00'	38	41	44	46	49	51	54	56	58	60	62	64	66
3°15'	36	39	42	45	47	49	51	54	56	57	59	61	63
3°30'	35	38	40	43	45	47	50	52	54	55	57	59	61
3°45'	34	37	39	41	44	46	48	50	52	54	55	57	59
4°00'	33	35	38	40	42	44	46	48	50	52	54	55	57
4°30'	31	33	36	38	40	42	44	45	47	49	50	52	54
5°00'	29	32	34	36	38	40	41	43	45	46	48	49	51
5°30'	28	30	32	34	36	38	40	41	43	44	46	47	48
6°00'	27	29	31	33	35	36	38	39	41	42	44	45	46
6°30'	26	28	30	31	33	35	36	38	39	41	42	43	45
7°00'	25	27	29	30	32	34	35	36	38	39	40	42	43
8°00'	23	25	27	28	30	31	33	34	35	37	38	39	40
9°00'	22	24	25	27	28	30	31	32	33	35	36	37	38
10°00'	21	22	24	25	27	28	29	31	32	33	34	35	36
11°00'	20	21	23	24	26	27	28	29	30	31	32	33	34
12°00'	19	20	22	23	24	26	27	28	29	30	31	32	33

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